

139 w/b 811

SENATE BILL _____

ASSEMBLY BILL 11968-A

11968-A

R. R. 209

IN ASSEMBLY

May 22, 1980

Introduced by COMMITTEE ON RULES--(at request of M. of A. Barbaro, Lentol, Weprin, Fink, Abramson, Bianchi, Boyland, Butler, Cochrane, Cohen, Connelly, Conners, Connor, Dearie, Delloro, Diggs, Engel, Farrell, Ferris, Finneran, Friedman, Goldstein, Gottfried, Grannis, Greco, Griffith, Hague, Harenberg, Harris, Hinchey, Hirsch, Hoblock, Hochbrueckner, Johnson, Keane, Koppell, Lafayette, Lipschutz, Marchiselli, G. W. Miller, M. H. Miller, Montano, Nadler, Newburger, Nine, Orazio, Passannante, Pesca, Proud, Robles, Sanders, Seminero, Serrano, Siegel, Stavisky, E. C. Sullivan, Tallon, Vann, Velella, Viggiano, Virgilio, E. P. Walsh, Weinstein, Wilson, Yevoli)--read once and referred to the Committee on Labor--amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the labor law, in relation to the occupational safety and health of public employees and making an appropriation therefor

IN THE SENATE BY:

S. 7025 Flynn, etc.

Bill compared by _____

DATE RECEIVED BY GOVERNOR: _____

ACTION MUST BE TAKEN BY: _____

GOVERNOR'S ACTION: _____

DATE

6/30/80

Memorandum No. _____

1980

ASSEMBLY

SENATE JOURNAL

JUN 1 1 1980

PAGES 107

The Assembly bill
by *Q. RULES*
Entitled: "

Calendar No. *1576*

Assembly No. *11968-A*
Sen. Rept. No. _____

AN ACT to amend the labor law, in relation to the occupational safety
and health of public employees and making an appropriation therefor

DEBATE WAS HAD THEREON

" was read the third time

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form at least three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof and three-fifths being present, as follows:

AYE	Dist.		NAY	AYE	Dist.		NAY
	12	Mr. Ackerman			15	Mr. Knorr	
	47	Mr. Anderson			2	Mr. Lack	
	49	Mr. Auer			1	Mr. LaValle	
	16	Mr. Babbush			29	Mr. Leichter	
	45	Mr. Barclay			8	Mr. Levy	
	18	Mr. Bartosiewicz			50	Mr. Lombardi	
	23	Mr. Beatty	EXCUSED		24	Mr. Marchi	
	9	Mrs. Berman			5	Mr. Marino	
	33	Mr. Bernstein	EXCUSED		19	Mr. Markowitz	
	28	Mr. Boques			21	Mr. Mega	
	41	Mr. Bruno			30	Mrs. Mendez	
	7	Mr. Caemmerer			42	Mr. Nolan	
	34	Mr. Calandra			27	Mr. Ohrenstein	
	25	Mr. Connor			17	Mr. Owens	
	48	Mr. Cook			11	Mr. Padavan	
	60	Mr. Daly			53	Mr. Perry	
	46	Mr. Donovan			36	Mr. Pisani	
	6	Mr. Dunne			57	Mr. Present	
	54	Mr. Eckert			39	Mr. Rolison	
	44	Mr. Farley			31	Mr. Ruiz	
	59	Mr. Floss			40	Mr. Schermerhorn	
	35	Mr. Flynn			51	Mr. Smith	
	32	Mr. Galber			22	Mr. Solomon	
	56	Mr. Gallagher			43	Mr. Stafford	
	14	Mr. Gizzara			55	Mr. Tauriello	
	13	Mr. Gold			3	Mr. Trunzo	
	37	Mrs. Goodhue			58	Mr. Volker	
	26	Mr. Goodman			52	Mr. Warder	EXCUSED
	20	Mr. Halperin			10	Mr. Weinstein	
	4	Mr. Johnson			38	Mrs. Winkow	

AYES

NAYS

* Ordered, that the Secretary return said bill to the Assembly with a message that the Senate has
concurred in the passage of the same.

BILL: A11968-A

R.R. NO: 209 SPONSOR: COM. ON RULES--

AN ACT TO AMEND THE LABOR LAW, IN RELATION TO THE OCCUPATIONAL SAFETY AND HEALTH OF PUBLIC EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR.

YEA ABRAMSON, E*
YEA BARBARO, FJ*
YEA BEHAN, JL
YEA BERSANI, LF
YEA BIANCHI, IW*
YEA BOYLAND, TS*
NAY BURROWS, GW
YEA BUSH, WE
YEA BUTLER, DJ*
YEA CALOGERO, NJ
YEA CASALE, AJ
YEA COCHRANE, JC
YEA COHEN, DL*
YEA CONNELLY, EA*
YEA CONNERS, RJ*
YEA CONNOR, RJ*
YEA COOKE, AT
NAY DAMATO, AP
YEA DANDREA, RA
YEA DEARIE, JC*
YEA DEL TORO, AX*
YEA DICARLO, DL
YEA DIGGS, EB*
YEA EMERY, JL
YEA ENGEL, EL*
YEA ESPOSITO, JA
YEA EVE, AO*
YEA FARRELL, HD*
YEA FERRIS, J*
YEA FINNERAN, WB*
YEA FLACK, JT
YEA FLANAGAN, JJ
YEA FORTUNE, TR*
YEA FOSSEL, JS
YEA FRIEDMAN, G*
YEA GOLDSTEIN, R*
YEA GORSKI, DT*
YEA GOTTFRIED, RN*
YEA GRABER, VJ*
YEA GRANNIS, AX*
YEA GRECO, SR*
YEA GRIFFITH, E*
YEA GULOTTA, TS
YEA HAGUE, JB
NAY HANNA, TA
ELB HANNON, K
YEA HARENBERG, PE*
YEA HARRIS, GH
YEA HAWLEY, RS
YEA HEALEY, PB

YEA HENDERSON, CD
YEA HEVESI, AG*
YEA HINCHEY, MD*
YEA HIRSCH, S*
YEA HOBLOCK, MJ
YEA HOCHBRUECKNER, GJ*
YEA HOWARD, LT
YEA HOYT, WB*
YEA JACOBS, RS*
YEA JENKINS, AX*
YEA JOHNSON, CR*
YEA KEANE, RJ*
YEA KEHOE, LP
YEA KELLEHER, NW
YEA KENNEDY, RL
YEA KIDDER, RE*
YEA KISOR, RM
YEA KOPPELL, GO*
YEA KREMER, AJ*
YEA LAFAYETTE, IC*
YEA LANE, CD
YEA LARKIN, WJ
YEA LASHER, HL*
YEA LEHNER, EH*
YEA LENTOL, JR*
YEA LEVY, E
ABS LEWIS, W*
YEA LIPSCHUTZ, GE*
YEA LOPRESTO, JG
YEA MACNEIL, HS
YEA MADISON, GH
YEA MARCHISELLI, VA*
ABS MARTIN, DO
YEA MCCABE, JW*
YEA MCGRATH, RJ
YEA MILLER, GW*
YEA MILLER, HM
YEA MILLER, MH*
YEA MOLINARI, GV
YEA MONTANO, AX*
YEA MURPHY, MJ*
YEA NADLER, J*
YEA NAGLE, JF
YEA NEWBURGER, MW*
YEA NICOLOSI, VF*
YEA NINE, L*
YEA NORTZ, HR
YEA ORAZIO, AF*
YEA PAROLA, FE
YEA PASSANANTE, WF*

YEA FERONE, JM
YEA PESCE, ML*
YEA PILLITTERE, JT*
YEA PROUD, G*
YEA RAPPLEYEA, CD
YEA REILLY, JM
YEA RETTALIATA, AP
YEA RIFORD, LS
ELB ROBACH, RJ*
YEA ROBLES, VL*
YEA ROSS, RC
YEA RYAN, AW
YEA SALAND, SM
YEA SANDERS, S*
YEA SCHIMMINGER, RL*
YEA SCHMIDT, FD*
YEA SCHUMER, CE*
YEA SEARS, WR
YEA SEMINERIO, AS*
YEA SERRANO, JEX
YEA SHEFFER, JB
YEA SIEGEL, MA*
YEA SILVER, S*
YEA SMOLER, H*
YEA SPANO, NA
YEA STAVISKY, LP*
YEA STEPHENS, WH
YEA STRELZIN, HL*
YEA SULLIVAN, EC*
YEA SULLIVAN, FM
YEA SULLIVAN, PM
YEA TALLON, JR*
YEA VAN DYKE, AP
YEA VANN, AX
YEA VELELLA, GJ
YEA VIGGIANO, PM*
YEA VIRGILIO, AD*
YEA WALSH, DB*
YEA WALSH, SP*
NAY WARREN, GE
YEA WEINSTEIN, M*
YEA WEMPLE, CC
YEA WEPRIN, S*
YEA WERTZ, RC
YEA WILSON, CE*
YEA WINNER, GH
YEA YEVOLI, LJ*
YEA ZAGAME, JR
YEA ZIMMER, MN*
MR. SPEAKER*

YEAS: 141

NAYS: 4

CONTROL: 65309386

CERTIFICATION: _____

LEGEND: YEA=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT,
ELB=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS.

REPRINT NO: 002
DATE: 06/10/80

NEW YORK STATE ASSEMBLY

DATE: 06/10/1980
TIME: 03:35:56 PM

BILL: A11968-A
MOTION NUMBER: 1
MOTION TYPE: TO AMEND

R.R. NO: 209 SPONSOR: COM. ON RULES--
SPONSOR: REILLY

AN ACT TO AMEND THE LABOR LAW, IN RELATION TO THE OCCUPATIONAL SAFETY AND HEALTH OF PUBLIC EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR.

NAY	ABRAMSON, EX	ABS	HENDERSON, CD	YEA	PERONE, JM
NAY	BARBARO, FJ*	NAY	HEVESI, AG*	NAY	PESCE, ML*
YEA	BEHAN, JL	NAY	HINCHEY, MD*	NAY	PILLITTERE, JT*
YEA	BERSANI, LF	NAY	HIRSCH, SX	NAY	PROUD, GX
NAY	BIANCHI, IW*	YEA	HOBLOCK, MJ	YEA	RAPPLEYEA, CD
NAY	BOYLAND, TS*	NAY	HOCHBRUECKNER, GJ*	YEA	REILLY, JM
YEA	BURROWS, GW	YEA	HOWARD, LT	ELB	RETTALIATA, AP
YEA	BUSH, WE	NAY	HOYT, WB*	YEA	RIFORD, LS
NAY	BUTLER, DJ*	NAY	JACOBS, RS*	ABS	ROBACH, RJ*
ELB	CALOGERO, NJ	NAY	JENKINS, AX	NAY	ROBLES, VL*
YEA	CASALE, AJ	NAY	JOHNSON, CR*	YEA	ROSS, RC
YEA	COCHRANE, JC	NAY	KEANE, RJ*	YEA	RYAN, AW
NAY	COHEN, DL*	YEA	KEHOE, LP	YEA	SALAND, SM
NAY	CONNELLY, EAX	YEA	KELLEHER, NW	NAY	SANDERS, SX
NAY	CONNERS, RJ*	YEA	KENNEDY, RL	NAY	SCHIMMINGER, RL*
NAY	CONNOR, RJ*	NAY	KIDDER, RE*	NAY	SCHMIDT, FD*
YEA	COOKE, AT	YEA	KISOR, RM	NAY	SCHUMER, CEX
YEA	DAMATO, AP	NAY	KOPPELL, GO*	YEA	SEARS, WR
YEA	DANDREA, RA	NAY	KREMER, AJ*	NAY	SEMINERIO, AS*
NAY	DEARIE, JC*	NAY	LAFAYETTE, IC*	NAY	SERRANO, JEX
NAY	DEL TORO, AX	YEA	LANE, CD	YEA	SHEFFER, JB
YEA	DICARLO, DL	YEA	LARKIN, WJ	NAY	SIEGEL, MAX
NAY	DIGGS, EB*	NAY	LASHER, HL*	NAY	SILVER, SX
YEA	EMERY, JL	NAY	LEHNER, EH*	NAY	SMOLER, H*
NAY	ENGEL, EL*	NAY	LENTOL, JR*	YEA	SPANO, NA
YEA	ESPOSITO, JA	YEA	LEVY, E	NAY	STAVISKY, LP*
NAY	EVE, AOX	ABS	LEWIS, WX	YEA	STEPHENS, WH
NAY	FARRELL, HD*	NAY	LIPSCHUTZ, GE*	NAY	STRELZIN, HL*
NAY	FERRIS, JX	YEA	LOPRESTO, JG	NAY	SULLIVAN, EC*
NAY	FINNERAN, WB*	YEA	MACNEIL, HS	YEA	SULLIVAN, FM
YEA	FLACK, JT	YEA	MADISON, GH	YEA	SULLIVAN, PM
YEA	FLANAGAN, JJ	NAY	MARCHISELLI, VAX	NAY	TALLON, JR*
NAY	FORTUNE, TR*	ABS	MARTIN, DO	YEA	VAN DYKE, AP
YEA	FOSSEL, JS	NAY	MCCABE, JW*	NAY	VANN, AX
NAY	FRIEDMAN, GX	YEA	MCCRATH, RJ	YEA	VELELLA, GJ
NAY	GOLDSTEIN, RX	NAY	MILLER, GW*	NAY	VIGGIANO, PM*
NAY	GORSKI, DT*	YEA	MILLER, HM	NAY	VIRGILIO, AD*
NAY	GOTTFRIED, RN*	NAY	MILLER, MH*	NAY	WALSH, DB*
NAY	GRABER, VJ*	YEA	MOLINARI, GV	NAY	WALSH, SP*
NAY	GRANNIS, AX	NAY	MONTANO, AX	YEA	WARREN, GE
NAY	GRECO, SR*	NAY	MURPHY, MJ*	NAY	WEINSTEIN, M*
NAY	GRIFFITH, EX	NAY	NADLER, JX	YEA	WEMPLE, CC
YEA	GULOTTA, TS	YEA	NAGLE, JF	NAY	WEPRIN, SX
YEA	HAGUE, JB	NAY	NEUBURGER, MW*	YEA	WERTZ, RC
YEA	HANNA, TA	NAY	NICOLOSI, VF*	NAY	WILSON, CEX
YEA	HANNON, K	NAY	NINE, LX	YEA	WINNER, GH
NAY	HARENBERG, PEX	YEA	NORTZ, HR	NAY	YEVOLI, LJ*
YEA	HARRIS, GH	NAY	ORAZIO, AF*	YEA	ZAGAME, JR
YEA	HAWLEY, RS	YEA	PAROLA, FE	NAY	ZIMMER, MN*
YEA	HEALEY, PB	NAY	PASSANNANTE, WF*		MR. SPEAKER*

YEAS: 60

NAYS: 83

CONTROL: 50638010

CERTIFICATION: _____

LEGEND: YEA=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT,
ELB=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS.

GOVERNOR'S PROGRAM BILL

1980

M E M O R A N D U M

RE: AN ACT to amend the labor law,
in relation to occupational safety
and health standards for public
employees

Purpose:

To authorize the Industrial Commissioner to establish an occupational safety and health program for public employees.

Summary of Provisions:

The bill would overcome the current exclusion of public employees from coverage by the Occupational Safety and Health Act (OSHA) in the Labor Law (see Section 28) and would add a new section to such law which would:

- a. establish a State Public Employee OSHA program by authorizing the Industrial Commissioner to adopt existing federal health and safety standards and to promulgate more effective standards when he finds that such standards are necessary to effectuate the purposes of the program;
- b. authorize the Department of Health to conduct research studies concerning questions of occupational health standards and to make recommendations to the Industrial Commissioner regarding such standards;
- c. provide for judicial review pursuant to Article 78 of the CPLR of any standard issued pursuant to the new section;
- d. protect employees who allege violations of the standards by providing for anonymity and by prohibiting employer recrimination;
- e. permit employees to request inspections by the Department of Labor when imminent dangers or alleged violations exist, and to alert inspectors as to violations;
- f. permit employers and employee representatives to accompany Department inspectors and require that inspectors talk to workers about possible violations if no employee representative is present during the inspection;

- g. require employers to keep certain records and to publish periodic reports concerning work-related deaths, injuries and illnesses;
- h. authorize the Department, when a violation is found, to issue a compliance order which must be posted by the employer and sent to the employees' representatives.

The bill would also amend Labor Law Section 213 to provide penalties for individual supervisors who knowingly violate or fail to comply with compliance orders relating to dangerous conditions issued by the Industrial Commissioner pursuant to the OSHA Program.

Statement in Support:

Virtually all private sector employees are under the protection of the federal OSHA, and the majority of public employees in the nation are covered either by federal or State programs. However, even though public work sites are intrinsically no safer than any other places of employment, public employees in New York State are among the few workers in the nation not covered by an occupational safety and health program.

In 1975 the Legislature required the Industrial Commissioner to conduct a study and to submit to legislative leaders and to the Governor a proposal for covering public employees. Additional studies and planning in connection with a public employee occupational safety and health program were mandated by legislation enacted in 1977 and in 1978.

This proposal, which requires that public employees have the same safe working environment as is currently required for their counterparts in the private sector, is submitted as part of the Governor's Legislative Program as announced in his Annual Message to the Legislature on January 9, 1980.

Budget Implications:

The State Labor Department estimates that 50 full-time employees would be required to implement a public sector OSHA program. If the State program is approved by the U.S. Department of Labor, the State may qualify for up to 50% reimbursement of these costs in federal funding.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule 1.1, § 1 (e)

11968

Assembly 11968 Senate _____
Rules at the request of

☒ Memo on original draft of bill

☐ Memo on amended bill

Members of Assembly: Frank Barbaro, et al

Senators: _____

at the request of _____

1:

General Idea of Bill: An Act to amend the labor law, in relation to the safety of
public employees.

of Specific Provisions: Section 27-a will create safety and health standards for public
employees. A safety or health standard promulgated under this section shall apply to every
public employee, with the Industrial Commissioner having exclusive authority to enforce
such standards in accordance with provisions of the law. Any employer may apply to the
Industrial Commissioner for orders granting a variance from a standard or any provision.
Section 27-a is an occupational safety and health hazard
abatement board. The board shall have the authority to fund seventy-five percent of the
cost of any capital abatement project necessary to comply with an order issued by the
Industrial Commissioner pursuant to the provisions of section 27-a.

of Present Law which This Bill would Alter: Will afford the same protection offered to
the private sector workers under OSHA.

ification: It is the basic right of all employees to work in an environment that is free from
hazards and risks. This right should not only be granted to private employees, but to
public employees as well. A significant percentage of all of those employed in this state
are employed by the state or by one of its political subdivisions. Many of these public
employees perform job functions comparable to those performed by workers in the private
sector who are protected by the United States Occupational Safety and Health Act of 1970
(P.L. 91-596). It is therefore found by the legislature inappropriate to continue two
standards for employee safety, one applicable to those who work in the private sector
and one for those who are employed by state or local government.

It has also been determined that a safe place in which to work is economically
advantageous to employers in the sense that work related accidents and injuries would
decrease thus decreasing the employers financial liability for injuries stemming from
unsafe premises.

Legislative History: New bill in 1980.

State and Local Government: To be determined by Ways and Means.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

JUN 30 1980

MEMORANDUM filed with Assembly Bill Number 11968-A, entitled:

CHAPTER 729
APPROVAL # 92

"AN ACT to amend the labor law, in relation to the occupational safety and health of public employees and making an appropriation therefor"

A P P R O V E D

This bill establishes an Occupational Safety and Health Act (OSHA) for public employees in New York State. It declares as State policy that public employees should have as safe a working environment as is currently required for their counterparts in the private sector. As such, it adopts in principle the proposal I made for a public sector OSHA in my Annual Message to the Legislature earlier this year.

I applaud the efforts of the Legislature to deal with the difficult problems which this bill addresses; and I congratulate those who worked so hard for its passage and who cooperated in the negotiations which led to this legislation.

But in reviewing the particulars of the bill before me, I must call upon the Legislature to go one step further. Upon careful examination, it is clear that the bill raises several significant questions and that there is still work to be done before the effective date of the bill six months hence. For example, the bill provides a mechanism for assistance to local governments seeking to make the capital improvements necessary to comply with its terms; but the mechanism is triggered only upon a finding by the Industrial Commissioner that there has been a violation of OSHA standards. There can be no question that sound public policy requires that there be some mechanism for assisting the political subdivision which chooses to rectify an unsafe condition -- prior to being cited for a violation of law.

Furthermore, there appear to be inconsistencies among various terms of the bill. For example, while the bill requires the State to submit a "State plan" to the Federal Occupational Safety and Health Administration for approval, some of its terms may preclude such approval; and while it requires adoption by the Industrial Commissioner of all currently effective Federal OSHA standards, it makes no provision for discretion whereby the Commissioner could choose between those which may be applicable to the public sector and those which may not. Nor does it make adequate provision for granting permanent variances where OSHA standards are either inappropriate, equal to, or less rigorous than those which might be required by other laws, rules or regulations.

In order to address these and other questions which have arisen since the passage of this bill, and to seek necessary amendments before it becomes effective, I will shortly appoint a State task force to meet with representatives of local governments and public employee organizations, and with the legislative community, in order that these questions may be resolved by means of an appropriate chapter amendment.

With the assurances I have already received from all concerned parties, I am confident in approving this measure that the bill gives voice to the people of the State of New York who believe as I do that government should provide a safe environment for its workers. With these same assurances, I am also confident that by the time the bill takes effect, we will have a workable and enforceable public sector OSHA in New York State.

The bill is approved.

SENATE

Introduced by:

ASSEMBLY

No.

No. 11968-A

Law: Labor

Sections: 27 (renumbered from 28)
subd. 27-A(new), 213

Division of the Budget recommendation on the above bill:

Approve: X Veto: _____ No Objection: _____ No Recommendation: _____

- (See recommendation)
1. Subject and Purpose: This bill's purpose is to establish an occupational safety and health program for public employees in New York State.
 2. Summary of Provisions: This bill is similar to the Governor's 1980 program bill #341.
The major changes to the Governor's proposal contained in the bill are:
 - A. Safety and health standards promulgated under section 27-A will not supercede any inconsistent provisions of the Education Law. This means that any school buildings certified as complying to the safety standards promulgated under the Education Law or pending such certification on the effective date of this bill will be exempt from this program.
 - B. A seven member State Occupational Safety and Health Hazard Abatement Board is established to authorize the funding of 75 percent of any capital abatement project necessary to comply with a safety order issued by the Industrial Commissioner. A sum of \$15 million is appropriated to the local assistance fund for distribution by the Board. Public officers, public employees or public employee union officers are excluded from being board members although, by inference, such individuals can be designated representatives, with authority to vote or otherwise act in behalf of board members.
 - C. A three member legislative commission, of whom one is appointed by the Governor, is to be established to monitor and report on public employee safety and health standards.
 - D. The Industrial Commissioner is authorized to seek judicial enforcement of compliance orders. If the Commissioner fails to seek injunctive relief, employees have authority to pursue such action.
 - E. The provision making supervisors who knowingly violate an order prohibiting work in dangerous areas guilty of misdemeanors has been deleted.
 - F. A provision in the Governor's bill has been deleted which would have authorized the Health Department to conduct research for the development of criteria for more effective standards.

Date: _____ Examiner: _____

Disposition:

Chapter No.

Veto No.

- G. The State is required to apply to the Federal Government for Federal reimbursement for the State's public employee OSH program; and
- H. The effective date of this bill has been amended from 120 to 180 days after enactment.

- 3. Budget Implications: The Department of Labor will require an estimated \$700,000 for fiscal year 1980-81 (assumes quarter year funding for inspection, public relations, and legal cost to the Department along with providing staff assistance to the Hazard Abatement Board) and an estimated \$2.5 million annually thereafter. Initial conversations with U.S. Regional Office in New York City indicate that 50 percent of the above stated cost can be federally reimbursed.

We estimate the total cost of bringing State and local facilities into compliance with the proposed standards to be \$18 million in State expenditures for State facilities, \$15 million in State funding for local assistance, and \$17 million in local expenditures. The extent to which these costs will be incurred in the years immediately following enactment of this bill can be controlled. The Federal Government will permit the State three years after inception of Federal funding for the State to bring its enforcement program up to acceptable Federal standards. Prior to that three year deadline the enforcement program can be limited in the scope of its inspections.

- 4. Recommendations: We recommend approval of this bill. However, to reduce unnecessary cost and eliminate burdensome administrative procedures we recommend enactment of a chapter amendment containing the following:

- A. The provision excluding school buildings from compliance with OSH standards should be repealed. The exclusion from compliance of a major segment of public buildings may jeopardize ultimate Federal funding of the State program. (The U.S. Department of Labor is currently reviewing this bill and this exclusion of certain school facilities has been identified as a possible obstacle to Federal acceptance.)

Notwithstanding the issue of Federal acceptance and funding, the exclusion of a major segment of public buildings appears contrary to the intent of this proposal to provide safety standards for public employees equal to those presently provided to private sector workers.

- B. A provision should be added, similar to that contained in the Federal Occupational Safety and Health Act, which permits the Industrial Commissioner to waive minor violations. Current language requires citation of all violations no matter how minor. For example, the issuances of orders to comply would be required when an employer, who is otherwise in general compliance, has a ceiling which is one inch below the standard or a handrail that is one inch too high.

To alleviate unnecessary compliance and construction cost, as well as the expense of the hearing procedure for the granting of variances, we recommend that the following language be added to Section 6a:

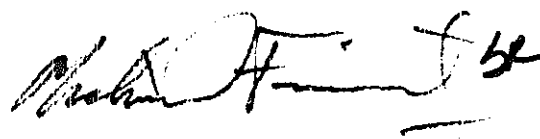
The Industrial Commissioner may prescribe procedures for the issuance of a notice in lieu of an order to comply with respect to de minimus violations which have no direct or immediate relationship to safety or health (based on Section 9a Federal OSHA Act).

- C. The provision establishing a Hazard Abatement Board should be deleted because this Board's functions are primarily related to allocating local assistance funds to public employers for capital improvements. Regardless of the amounts that may be available for such purposes and notwithstanding the merits of assisting localities, such aid should be controlled by the Executive branch only.

Moreover, the sum of \$15 million, which is appropriated in this bill for allocation by the Board, would be inadequate to cover the needs of all localities. Accordingly, political pressure would undoubtedly lead to substantial increases in subsequent years.

We would suggest that instead of including a specific appropriation for assistance to all localities, consideration be given to the following:

- delete the Board from the law;
- include a provision authorizing localities to apply to the Department of Labor for one-time grants-in-aid for compliance, specifying that eligibility for such grants will be limited to the first three years after the bill's enactment and that grants will be awarded subject to the amount of appropriation available for that purpose and to the approval of the Director of the Budget.



A. 11968-A

JUN 20 1980

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

JUN 20 1980

June 19, 1980

TO: RICHARD BROWN, Counsel to the Governor
FROM: CHARLES A. ZIELINSKI, Chairman *Charles A. Zielinski*
SUBJECT: A. 11968-A

This bill does not pertain to any matter within our jurisdiction or expertise, and I therefore offer no comment on it.



WERNER H. KRAMARSKY
Commissioner

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF HUMAN RIGHTS

TWO WORLD TRADE CENTER
NEW YORK, NEW YORK 10047

A. 11968-1
S-702

SR

JK

JUN 20 1980

June 18, 1980

Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Re: S. 8599, S. 8856, S. 9802, A. 10659-A, A. 11968-A

Dear Judge Brown:

Thank you for your memorandum requesting comment
on the above-numbered bills.

The bills are not Division-sponsored and the
Division takes no position in regard to them.

Sincerely,


WERNER H. KRAMARSKY
Commissioner

A-11968

STATE EDUCATION DEPARTMENT

June 25, 1980

JUN 27 1980

TO: Counsel to the Governor

FROM: Robert D. Stone

SUBJECT: A.11968-A

RECOMMENDATION: No objection

REASONS FOR RECOMMENDATION:

This bill would enact a new section 27-a of the Labor Law relating to safety and health standards for public employees.

While the purposes of the bill are laudatory, the provisions of the bill relating to school districts are ambiguous, and should be clarified. It is our understanding that various amendments to the bill are contemplated if Executive approval is given, and the State Education Department will recommend amendments relating to the applicability of the provisions of the bill to school districts.

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

10 NORTH PEARL STREET, ALBANY, NEW YORK 12243

BARBARA B. BLUM
Commissioner

JK

A-11968-a



June 23, 1980

JUN 24 RECD

RE: Ten Day Bills

Dear Judge Brown:

Your office has requested this Department's comments on the following Ten Day Bills which are before the Governor for signature.

Senate 9443-A would require the development of written service plans for discharges or conditional releasees of psychiatric center.

Senate 10195 would relate to reporting abuses of persons receiving care or service in residential health care facilities, and making an appropriation therefor.

Senate 10230 would relate to reporting of abusers of persons receiving care or service in residential health care facilities to the appropriate committee on professional conduct.

Assembly 8785-A would provide access to Article 28 facilities and adult residential care facilities by persons participating in the Long Term Care Ombudsman program.

Senate 7830-C would amend the Workers' Compensation Law in relation to the waiting period in claims for occupational loss of hearing.

Assembly 11968-A would relate to safety and health standards for public employees.

Assembly 1726-A would require that the Family Court file a copy of orders of protection with the sheriff's office where petitioner resides.

Senate 9256-A would require camp directors of summer day camps and traveling summer day camps to record specified injuries, illnesses and diseases.

The Department of Social Services supports the above mentioned bills and urges the Governor to sign them.

Sincerely,

Barbara B. Blum

Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
The Capitol
Albany, NY 12224

A-11968-a

Memorandum

SEVENTY-NINE

June 19, 1980

JUN 20 1980



TO: Richard A. Brown, Esq.
Counsel to the Governor

FROM: Paul Goldman, Counsel
State Consumer Protection Board

RE: A.11968-A (Rules)

X

The Consumer Protection Board supports this bill.

The Consumer Protection Board has no position on this bill.

The Consumer Protection Board opposes this bill.

STATE DEPARTMENT OF CIVIL SERVICE

June 19, 1980

ASSEMBLY
11968-A

Introduced by Committee on
Rules

RECOMMENDATION:

See below. JUN 23 1980

STATUTES INVOLVED: Labor Law

EFFECTIVE DATE: 180 days after it becomes law

DISCUSSION:

This Department has no objection to this measure; however, we note the United States Supreme Court recently held that the "work now-grieve later" rule does not apply when an employee refuses to work on an assigned job the employee reasonably considers too hazardous.



Victor S. Bahou
President, Civil Service Commission



State University of New York
State University Plaza
Albany, New York 12246

Office of the University Counsel
and Vice Chancellor for Legal Affairs
(518) 473-7591

g.k.

A-11968-A

JUN 25 REC'D

June 23, 1980

To: Honorable Richard A. Brown

From: Nancy S. Harrigan *NSH*
Deputy University Counsel

Subject: A. 11968-A - AN ACT to amend the labor law,
in relation to the occupational
safety and health of public em-
ployees and making an appropria-
tion therefor

Recommendation: No objection

Discussion:

State University supports the expressed legislative purpose of providing a safe working environment for all New York State and local government employees.

cc: Mr. Dullea
Mr. Gordon

PUBLIC EMPLOYMENT RELATIONS BOARD

June 23, 1980

TO: Hon. Richard A. Brown
Counsel to the Governor

JUN 24 Recg

RE: A-11968-A Introduced by: Committee on Rules

RECOMMENDATION: No Objection

STATUTE INVOLVED: Labor Law §27-a (new section)

EFFECTIVE DATE: 180 days after it shall become law

DISCUSSION:

1. Purpose of Bill

To establish standards and procedures for the occupational safety and health of public employees by prohibiting hazardous working conditions in places of public employment.

2. Summary of Provisions of Bill

The Industrial Commissioner is directed to adopt all safety and health standards promulgated under the United States Occupational Safety and Health Act of 1970 to be applicable to the State, any political subdivision of the State, a public authority, or any other governmental agency or instrumentality thereof. Various enforcement procedures are authorized. A procedure to obtain variances is also established. The Industrial Commissioner is authorized to hear complaints of discrimination against employees because of the exercise of their rights under this Act.

3. Prior Legislative History

Unknown

4. Known Position of Others Respecting Bill

The Public Employees Conference and other unions support this bill.

5. Budget Implications

Unknown

6. Arguments in Support of Bill

The protections afforded workers in the private sector by the United States Occupational Safety and Health Act of 1970 should be extended to public employees. Work related accidents in the public sector impose unnecessary financial

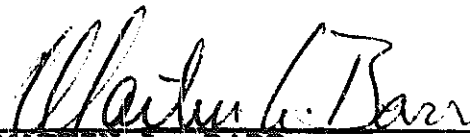
burdens on public employers.

7. Arguments in Opposition to Bill

The requirements of this bill will impose additional financial burdens upon already hard-pressed public employers.

8. Reason for Recommendation

While this bill directly involves public employers and public employees, the general concerns sought to be dealt with involve issues and interests that extend beyond the jurisdictional concerns of the Public Employment Relations Board. Accordingly, this Board takes no position either for or against the bill.


MARTIN L. BARR
Counsel



JK
Memorandum

A-11968-A
C-729
JUN 30 REC'D

June 27, 1980

SENATE

ASSEMBLY

INTRODUCED BY

11,968-A

Committee on Rules

RECOMMENDATION: Qualified Approval

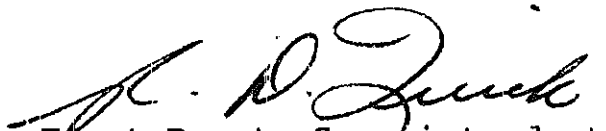
STATUTE INVOLVED: Labor Law, §27, 27-a, 28, 213

EFFECTIVE DATE: 180 days after it becomes law

DISCUSSION:

This bill is an extension of Public Law 91-596 entitled "The United States Occupational Safety and Health Act" and would apply to employees of this State not covered by a Federal occupational safety or health standard promulgated under Section 6 of said act. By definition, an employer includes the State and its political subdivisions and an employee means any person permitted to work by an employer, with the only exception appearing to be certain regulations promulgated under the Education Law.

Our only concern with the bill is based on the fact that this Agency, of course, cannot guarantee to its law enforcement personnel employment free from hazardous conditions. After speaking, however, with the Counsel for the Department of Labor, it is our understanding that the necessary exceptions can be incorporated in the Commissioner's regulations implementing this legislation so as not to impair the law enforcement responsibilities of this Agency.


First Deputy Superintendent

A-11968-A



STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
TWO WORLD TRADE CENTER
NEW YORK, N. Y. 10047

ARTHUR COOPERMAN
CHAIRMAN

MARTIN MINKOWITZ
GENERAL COUNSEL
212-486-3095

[Handwritten signature]

JUN 24 1980
June 19, 1980

Hon. Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12244

Re: A 11968-A

Dear Mr. Brown:

I am in receipt of your request for our analysis, comments and recommendations regarding the legislation noted above. We appreciate the opportunity to present our position on this bill.

This proposal amends the Labor Law by adding a new section 27-a requiring the State to promulgate develop and enforce a plan of occupational safety and health standards with respect to public employers and employees in accordance with Section 18 (b) of the U.S. Occupational Safety and Health Act of 1970. The Industrial Commissioner is required by rule to adopt all safety and health standards promulgated by OSHA in effect on the effective date of this act. The bill creates a N. Y. State Occupational Safety and Health hazard abatement board with an appropriation of fifteen million dollars to receive, review an act upon applications for funding of capital projects to abate occupational safety and health hazards found by the industrial commissioner to violate the provisions of section 27-a.

Public employees are entitled to be protected by the same standards of employee safety as is required to protect their counterparts who work in private industry.

We concur with the legislative declaration that it "is a basic right of all employees to work in an environment that is as free from hazards and risks to their safety as is practicable". Furthermore improved safety conditions result in reduced accidents and therefore reduction in Workers' Compensation claims.

We recommend approval.

Sincerely yours,

[Handwritten signature of Martin Minkowitz]
Martin Minkowitz
General Counsel

MM:hs

129 H-11968-A

STATE OF NEW YORK
DEPARTMENT OF HEALTH OFFICE OF PUBLIC HEALTH

TOWER BUILDING • THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA • ALBANY, N.Y. 12237

DAVID AXELROD, M.D.
Commissioner

OFFICE OF THE COUNSEL - (518) 474-3050

July 1, 1980

AMBROSE P. DONOVAN, JR.
Counsel

RECEIVED
Hon. Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York

RECEIVED
Re: Assembly 11968-A

Dear Judge Brown:

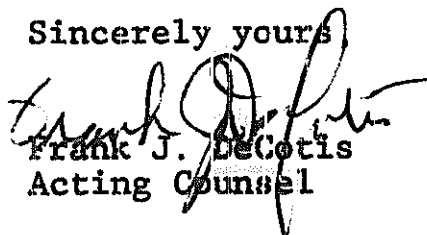
This bill amends the Labor Law to provide for the Industrial Commissioner to adopt all safety and health standards promulgated under the United States Occupational Safety and Health Act of 1970 (Public Law, 91-596), in order to provide reasonable and adequate protection to the lives, safety, and health of public employees. The bill also creates a New York State Occupational Safety and Health Hazard Abatement Board. The Board is given the power to review and act upon applications for funding of capital projects designed to abate occupational safety and health hazards which have been found by the Industrial Commissioner to violate the provisions of the bill.

In view of the fact that it is the intention of this bill to protect the health of employees in the public sector, it is felt that it would be appropriate for the Industrial Commissioner to be granted authority to promulgate more effective standards than those mandated by the bill where such standards are found necessary. The Department of Health should be given a statutory role to conduct research and experimental programs as are determined necessary in assisting the Industrial Commissioner to develop criteria for more effective occupational health standards.

The concept of this bill is, however, a good one as it extends an occupational safety and health program to public employees in New York State who are among the few groups of workers in the nation not presently covered by such a program.

The Department of Health, Office of Public Health, supports this bill.

Sincerely yours


Frank J. DeCotis
Acting Counsel

ASSEMBLY 11968A

Introduced by Committee on Rules

JUN 24 1980

RECOMMENDATION: Approval

STATUTES INVOLVED: Labor Law

EFFECTIVE DATE: 180 days after becoming a law

DISCUSSION:

1. Purpose of bill: To extend the same safety standards that exist for private industry to state, county, city, town, village and other public employees.
2. Summary of provisions of bill: The bill provides broad powers to the Industrial Commissioner to inspect equipment, buildings, etc. to determine if there are violations of safety or health standards, to issue orders to comply, to respond to complaints, et al. It also authorizes the expenditure of \$15,000,000 for distribution by the New York State Occupational Safety and Health Hazard Abatement Board which is created by the act.
3. Prior legislative history: The \$15,000,000 appropriation will do no more than enable government to begin the safety and health program. Considerably more millions will be needed in future years to meet program requirements.
4. Known position of others respecting bill: Not known.
5. Budget implications: This bill is strongly supported by public employee labor unions.
6. Arguments in support of bill: All employers whether private or public should provide a safe and healthy work environment for their workers. Implementation of new safety standards would significantly increase the morale and productivity of many public employees.
7. Arguments in opposition to bill: This bill will require the expenditure of several millions of dollars in our Department based on prior inspection of our field facilities on an informal basis by Labor Department Safety Inspectors. We will also need a formal safety program and additional staff to enable us to comply with the requirements of the law.

8. Reasons for recommendation: See #6 above.



Deputy Commissioner/General Counsel



STATE OF NEW YORK
INSURANCE DEPARTMENT
TWO WORLD TRADE CENTER
NEW YORK 10047

ALBERT B. LEWIS
SUPERINTENDENT OF INSURANCE

June 25, 1980

RECEIVED AFTER ACTION BY GOVERNOR

Honorable Richard Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

JUL 1 1980

RE: Assembly Bill 11968-A
(Rules Committee - Mr. Barbaro et al)

Dear Dick:

This bill, which would take effect 180 days after signature, would: (1) grant public employees, as defined in the bill, the benefits of the Federal Occupational Safety and Health Act of 1970 by requiring the Industrial Commissioner to promulgate safety and health standards in accordance with that act; (2) establish a State Occupational Safety and Health Hazard Abatement Board to pass upon applications for funding to meet 75% of the cost to local governmental bodies of the capital costs imposed by this bill and; (3) make appropriate provisions for enforcement of the standards. Sections 27, 28, and 213 of the Labor Law are appropriately amended.

An appropriation of \$15,000,000 is made to the local assistance fund for distribution by the Occupational Safety and Health Abatement Board and provision is made for appropriate control of such disbursements.

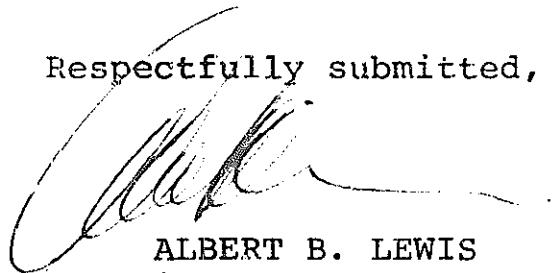
While the goal of safe employee working conditions is laudable, this Department must defer to the expertise of the Departments of Audit and Control and Labor and to the Division of the Budget and Office of Employee Relations for most of the provisions of the bill. We limit our comments to how this bill will affect local governmental insurance costs.

Must causes of action by an employee against local governmental employers are barred under the Workers' Compensation Law. As to those causes of action that still exist, this Department cannot express an opinion as to whether this bill will impose any greater liability.

As to Workers' Compensation, safe work places should decrease accidents and thereby decrease claims. However, we cannot quantify the amount of any claim reduction.

The Department has no objection to the bill.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'A. B. Lewis', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

ALBERT B. LEWIS
Superintendent of Insurance



H. 1. 1. 1.
Chap. 120

STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY
12236

EDWARD V. REGAN
State Comptroller

In Reply, Refer To

June 23, 1980

The Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Dear Judge Brown:

The proposed acts would amend laws in areas in which this Department has no special interest. Accordingly, this Department takes no position with regard to enactment of the following bills:

<u>SENATE</u>	<u>SENATE</u>	<u>SENATE</u>
95-A	6274-B	9423
182-B	7158	9636
534	7257-A	9648
1951-B	7413-A	9751
2045-A	7435	9758-A
2909-E	7654-B	9788
2991-A	7829	9802
3035-E	7830-C	21031 (A.9904)
3530-A	7847	21039 (A.7770-A)
3591	7855	21041 (A.7772-B)
4124	8027	
4759-C	8203-A	
5377-A	8599	
5497	8856	
5506	8900-A	
5617-C	8916-A	
5960-A	9165-A	
6179	9184-A	
6185	9233	

The Honorable Richard A. Brown
Counsel to the Governor

June 23, 1980

ASSEMBLY

373-B
2694-D
3084-A
3111-E
3706-C
4527-A
6005-A

7085-B
7310-D
7608-A
7616-A
7869-B
8193-A
8254-B
8436
8437

ASSEMBLY

8722
8774-A
8785-A
8880
8911-A

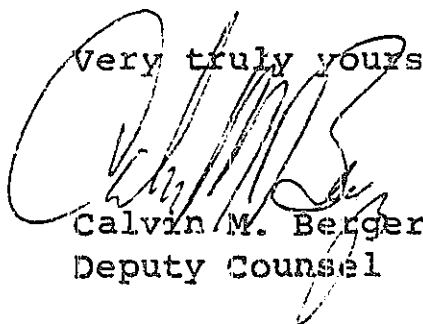
8938-A
9204-A
9268
9430-B
9535
9541
9560
9920-B
10298-B
10395-A
10596-A

ASSEMBLY

10853
11122-A
11173

11220
11237
11578
11588
11590
11594-B
11602
11669
11729-A
11968-A
12091
30029 (S. 1653-C)

Very truly yours,



Calvin M. Berger
Deputy Counsel

CMB:jd



State of New York

Governor's Office of Employee Relations

Memorandum

A-11968

JUN 27 1980

June 27, 1980

TO: Hon. Richard A. Brown
FROM: Joseph M. Bress *JMB*
RE: A.11968-A

This bill would add a new Article 27-a to the Labor Law regarding the development and enforcement of occupational safety and health standards with respect to public employers and employees.

Essentially, the Industrial Commissioner would adopt any existing and future safety and health standards promulgated (and to be promulgated) under the U.S. Occupational Safety and Health Act of 1970 by rule and public employers and public employees would be required to comply with such rules. A limited exception is incorporated concerning school buildings which comply with the Education Law and applicable regulations or for which a compliance certification has been sought prior to the effect date of this bill.

The Department of Labor may inspect premises when it has "...reason to believe a violation of this section has occurred". If it is determined that such a violation has occurred, the Industrial Commissioner may issue a compliance order which is reviewable by the Industrial Board of Appeals and ultimately by the Supreme Court (CPLR, Article 78).

The local Supreme Court is empowered, upon the petition of the Industrial Commissioner, to enjoin working conditions or work practices which may present an imminent danger of death or serious physical harm if not abated. If the Industrial Commissioner fails to interpose such a petition within 48 hours after learning of such conditions affected employees or their employee representatives may so petition the Supreme Court.

Temporary variances of no longer than one year in duration may be sought concerning the rules promulgated by the Industrial Commissioner by public employers. An application to the Commissioner for such a variance must demonstrate both need and affirmative efforts toward compliance. Affected employees may participate in the hearing required prior to the granting or denial of such a variance.

Employees who complain or testify in support of such complaints are protected against employer retribution via the intervention of the Industrial Commissioner and the Attorney General pursuant to Labor Law, §27-a(10).

A three member commission is established to provide two annual reports to the Legislature and Governor concerning the effects of this program (Labor Law, §27-a(12)).

Finally, the New York State Occupational Safety and Health Hazard Abatement Board (a 7-person body) is established to provide for the distribution of \$15 million appropriated by this bill to assist public employers in the abatement of structural defects which have been cited as violative of the rules promulgated by the Industrial Commissioner. These monies would be distributed based on the severity of the conditions and on a 75% - 25% (employer match) basis.

While this Office actively supports the goals of structurally safe public buildings and safe equipment upon which this legislation is based, we are constrained to note some potential difficulties in the operation of this bill if enacted into law.

First, while OSHA has had a ten year existence in the private sector it must be noted that the standards promulgated thereunder have been, and continue to be, in a state of flux. It is difficult to assess the fiscal and operational impacts on New York State public employers if all current OSHA standards are employed but, it is impossible to assess potential impacts based upon unforeseen and uncontrollable modifications (at the Federal level) of such standards.

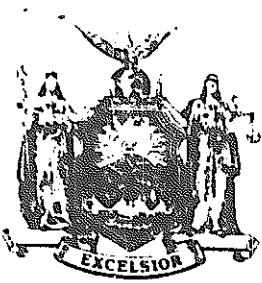
Second, if an injunction is obtained pursuant to section 27-a(7) the bill is unclear as to the employment status of employees who are precluded from working at the site to be corrected during the abatement of such hazard. Must the employer provide alternative work sites and, if necessary, alternative duties?

Third, the "variance" provided by section 27-a(8) is actually an authorization by the Industrial Commissioner for an extended (up to one year) abatement period. This does not comport with Federal OSHA procedures whereby an employer is given an opportunity to demonstrate that the existing conditions or safety standards provide to affected employees a place of employment as safe as that which would be provided by OSHA regulations (C.F. 43 Fed. Reg. 2,945; 43 Fed. Reg. 9,887, etc.). Perhaps, provision should be made for a permanent variance where technical compliance would be inordinately burdensome and marginally ameliorative.

Finally, the monies available for distribution may be apportioned only to assist in abatement of conditions which have been cited as violative pursuant to a complaint. Some mechanism should allow public employers to seek a determination of non-compliance

voluntarily without the stigma attached to non-compliance with an order issued by the Industrial Commissioner or the possibility of an extreme injury as a necessary antecedent to financial assistance.

Notwithstanding these concerns, which could be adequately addressed by minor legislative chapter amendments, this measure is an important first step toward the maintenance of safe buildings and equipment for public employees. There is no justifiable reason to distinguish between the health and safety standards required of public and private employers. Therefore, the Governor's Office of Employee Relations recommends approval of this bill. 6



JK
STATE OF NEW YORK
DEPARTMENT OF LABOR

TWO WORLD TRADE CENTER, ROOM 7330
NEW YORK, NEW YORK 10047

COUNSEL'S OFFICE

June 23, 1980

R-11968-11
JUN 24 Recd

Hon. Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Attention: Legislative Secretary

Re: A. 11968-A - AN ACT to amend the labor law,
in relation to the occupational
safety and health of public
employees and making an appropria-
tion therefor

(Before Governor for executive action)

Dear Mr. Brown:

The above bill provides for the establishment of safety and health standards for public employees. All State and Municipal employees in New York State would be included in a State Occupational Safety and Health program. Private sector employees are already provided such protection under the Federal Occupational Safety and Health Act. Employees who work in the public interest are entitled to protection against job hazards and I urge approval.

We believe that a chapter amendment covering the following matters is necessary:

Page 2, Line 55 and Page 3, Lines 1 to 6, Subdivision 2 - The apparent intent of this "grandfather" provision was to exempt existing school buildings (and those for which plans have been approved) built in accordance with standards of the Education Commissioner. However, a school built in 1920, for example, conforming to 1920 standards would probably not meet current OSHA standards. This raises the question as to whether the Federal Labor Department would approve a State plan with such a provision in State law. A sentence should be added to the effect that in any event every school building must meet the standards provided by Subdivision 4 of Section 27-a of the Labor Law.

June 23, 1980

Page 3, Line 37, Subdivision 4, Paragraph "c" - This Paragraph is in conflict with other provisions of the bill. Subdivision 3.c (p. 3, line 17) mandates the State to promulgate a plan under Federal OSHA. Under Subdivision 4.a (p. 3, line 27), the only standards that may be issued by the Industrial Commissioner are Federal OSHA standards. The Commissioner does not have any discretion to promulgate more or less effective standards. If the validity of these standards can be questioned in an Article 78 proceeding under Paragraph "c", it will not be possible to develop and continue a plan that will meet Federal standards.

Page 4, Line 41, Subdivision 7, Paragraph "a" - This Paragraph is confusing. It combines in one paragraph injunctive relief by the Supreme Court in dangerous situations, with an order of the Industrial Commissioner in such a situation. It is suggested that the last two sentences of Paragraph "a" be deleted and that a paragraph authorizing an order in a dangerous situation be inserted as Paragraph "e" of Subdivision 6, on page 4.

Page 5, Lines 10 and 11, Subdivision 7, Paragraph "c" - The word "section" on lines 10 and 11 should be changed to "subdivision". Also, it appears unreasonable to require the Industrial Commissioner to seek an injunction within 48 hours after being notified of a hazardous condition (line 11).

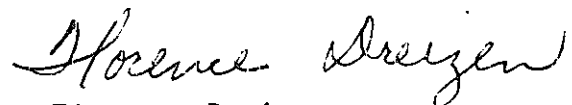
Page 8, Lines 25-34, Subdivision 13, Paragraphs "c" and "d" - There appears to be an inconsistency between the provisions in Paragraphs "c" and "d". While Paragraph "c" provides that no public employee shall be eligible for appointment as a member of the State Occupational Safety and Health Abatement Board, Paragraph "d" refers to such persons in its reimbursement provisions.

Page 9, Line 43, concerning Appropriation - The bill fails to carry an appropriation to the Labor Department for administration of the law. An appropriation of \$1.6 million is a necessity and should be included in the chapter amendment.

x x x

In addition to the above, Chairman Greenfield of the Industrial Board of Appeals requests that the chapter amendment include other changes, and he is sending you his request.

Sincerely yours,



Florence Dreizen
Deputy Industrial Commissioner
for Legal Affairs

FD:c'

STATE OF NEW YORK
DEPARTMENT OF LABOR



INDUSTRIAL BOARD OF APPEALS

194 Washington Avenue
Albany, New York 12210

A-119768-A
JUN 24 Recd

MEMBERS

BENJAMIN GREENFIELD, Chairman
WILLIAM FRIEDBERG, Member
DOMINIC REVELLESE, Member
STANLEY M. MAKOWSKI, Member
KURT J. HAIN, Member

ROBERT L. MARINELLI
COUNSEL

INDUSTRIAL BOARD OF APPEALS
TWO WORLD TRADE CENTER
NEW YORK, NEW YORK 10047

June 23, 1980

Honorable Richard Brown
Counsel to the Governor
The Capitol
Albany, New York 12224

Re: Assembly 11968-A
"Public Employee Safety Act"

Dear Judge Brown:

At the outset, please be advised that the Board is not opposed to the principles of this legislation. However, there are built into it administrative conflicts that should be avoided. (References are to the sections to be added to the Labor Law.)

The provision for CPLR 78 review of standards (Section 27-a.4.c) is consistent with similar existing provisions for review of safety and health standards (Section 28.2.c) and appears to be unobjectionable.

However, the variance review procedure (Section 27-a.8.d) bypass the review procedure now available under Section 101 and thrusts the burden of review on the Courts. This Board's review of variation decisions has resulted in final disposition of all cases concluded, without resort to Court review. A considerable saving of judicial and administrative time and expense has resulted. We respectfully recommend that the cited subdivision be deleted.

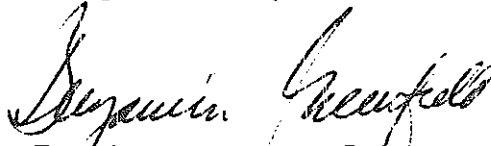
The "Enforcement procedures" (Section 27-a.6) require that the Industrial Commissioner, after determining existence of a violation, issue an order to comply and therein "fix a reasonable time for compliance". The "time for compliance" could be relatively brief. Yet, the "affected" employer or other party has, under Section 101, the right of review by this Board. That review is had by filing a petition with the Board within sixty days after issuance of the order. We respectfully recommend that the following provision (or substantially so) be added:

- 2 -

"The petition for review by the industrial board of appeals shall be filed within the time for compliance provided in the order. Failure to so file shall be a waiver of the right to petition for review of the order and such order shall, by the lapse of time, become and be a final order of the commissioner. If a petition for review by the industrial board of appeals is timely filed, the board shall conduct hearings thereon according to procedure prescribed by the board. If the order to be reviewed provides that the violation is serious, the board may prescribe procedures for expedited hearings. The filing of a petition shall not stay enforcement of the order unless a stay is applied for and obtained in accordance with the provisions of section one hundred one of this chapter."

Should you or any member of your staff have any question or desire further information or discussion, please let me know and I shall arrange for prompt response or participation.

Respectfully submitted,


Benjamin Greenfield
Chairman

BG:es

cc - Honorable Richard Brown
Counsel to the Governor
1350 Avenue of the Americas - 10th Floor
New York, New York 10019

Honorable Florence Dreizen
Deputy Industrial Commissioner
for Legal Affairs

Robert L. Marinelli, Esq., Counsel

STATE OF NEW YORK
DEPARTMENT OF LABOR



MEMBERS

BENJAMIN GREENFIELD, Chairman
WILLIAM FRIEDBERG, Member
DOMINIC REVELLESE, Member
STANLEY M. MAKOWSKI, Member
KURT J. HAIN, Member

INDUSTRIAL BOARD OF APPEALS

194 Washington Avenue
Albany, New York 12210

INDUSTRIAL BOARD OF APPEALS
TWO WORLD TRADE CENTER
NEW YORK, NEW YORK 10047

ROBERT L. MARINELLI
COUNSEL

June 10, 1980

Hon. Florence Dreiken
Deputy Industrial Commissioner
for Legal Affairs
Department of Labor
Counsel's Office
Two World Trade Center
New York, New York 10047

Dear Commissioner Dreiken:

I have just received and had my first opportunity to see and read Assembly Bill 11968. This is described as an act "to amend the labor law, in relation to the occupational safety and health of public employees and make an appropriation therefor".

No opportunity was afforded to the Board to comment on this legislation despite provisions which relate to the Board. Therefore, I assume that your office had nothing to do with the drafting of the legislation. Nonetheless, because the legislation contains anomalies, if not conflicts, I submit the following comments for your consideration and appropriate action.

Subdivision "6.a" requires that the Commissioner, on determining existence of a violation, shall issue an Order to Comply. It authorizes, or perhaps requires, that the Commissioner "fix a reasonable time for compliance".

Subdivision "6.c" provides for Board review of the Order to Comply. The review is had in accordance with Section 101 of the Labor Law. As you well know, that section permits review to be obtained on a petition filed no later than sixty days after the issuance of the order.

What happens, then, if the Commissioner fixes as the time for compliance a period of less than sixty days? Of course, if application is made for it, the Board could stay application of enforcement

To: Hon. Florence Dreizen

June 10, 1980

- 2 -

of the order. Nonetheless, the proposed provision can result in anomalous conditions and should be amended appropriately.

There should be provisions with respect to finality of the order. Perhaps, a modified version of the provisions of Section 218.3, as contained in A 3299 (1979-1980 Regular Session) would be suitable. Not only would such provision strengthen enforcement, it would clarify review rights and procedures.

Subdivision "8" of the proposed legislation pertains to variances. Unlike the existing provision for variances (Section 30), the proposed legislation places upon the employer and the Commissioner the onus of an immediate Article 78 proceeding. Review by the Board is unavailable and the review burden is thus placed upon the Courts.

Our experience to date has shown that virtually every Board review of a variation decision has resulted in satisfactory and final disposition of the application, without further recourse to the Courts. But for availability of review by the Board, the Board proceeding would have been imposed upon the Courts, resulting in unnecessary and undesirable administrative and financial expenditures.

Legislation which contains potential for undesirable conflicts or anomalous situations or which provides, for the same kinds of matters, procedures different from existing procedures, is not altogether desirable as to those aspects. I am certain that, after you have given consideration to the items discussed above, you will conclude that some recommendations should be made to the Legislature looking to cure the difficulties.

If I can be of assistance in any way in this matter, please let me know.

Sincerely,

Benjamin Greenfield
Chairman

BG:es

Blind cc - Mr. John Hudacs ✓
Program Associate

OFFICE OF MENTAL HEALTH

MICHAEL J. VOLPE
DEPUTY COMMISSIONER
AND COUNSEL



COUNSEL

44 HOLLAND AVENUE
ALBANY, NEW YORK 12229
(518) 474-1331

OFFICE OF MENTAL RETARDATION AND
DEVELOPMENTAL DISABILITIES

PAUL LITWAK
DEPUTY COUNSEL

June 27, 1980

JUN 30 Rec'd

Hon. Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

RECEIVED AFTER ACTION BY GOVERNOR

RE: Assembly 11968-A by Committee on Rules
AN ACT to amend the labor law, in relation
to the occupational safety and health
of public employees and making an
appropriation therefor

Dear Judge Brown:

Please be advised that the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities have serious reservations about the above referenced legislation, which is before the Governor for executive action.

The Offices support the idea of assuring that public employees work in safe environments. They are concerned, however, about the prospect of wholesale adoption of the provisions of the Federal Occupational Safety and Health Act of 1970 and regulations issued thereunder. There is nothing in the federal law or regulations which specifically governs working conditions or health care facilities. There is, however, a "general duty" clause which requires employers to furnish a place of employment free of recognized hazards that may cause death or serious physical harm to employees.

The Albany Regional Office of OSHA reports that their agency, in administering the federal act, does not concern itself with conditions at hospitals or other health care facilities. They focus on heavy industry. OSHA believes that it would have jurisdiction under the federal act to investigate conditions at hospitals.

OMH in particular is concerned that enactment of this very broad legislation may generate complaints by employees that the act is violated when they are to face "recognized hazards" by working with violent patients on understaffed wards.

Since the Occupational Safety and Health Act is very broad and OSHA has not limited it's application to health care facilities , state employees could create new legal rights and remedies by applying the act to conditions at psychiatric hospitals and developmental centers.

The Offices recommend against enactment of this legislation until such time as the rights of employees in health care facilities are more deliberately considered.

Yours respectfully,

A handwritten signature in dark ink, appearing to read "Paul Litwak", written over the typed name.

PAUL LITWAK
Deputy Counsel

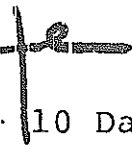
PL:sb

STATE OF NEW YORK
EXECUTIVE CHAMBER

MEMORANDUM

June 23, 1980



To: Richard Brown
From: John Hudacs 
Subject: A.11968-A -- 10 Day Bill

Summary of Provisions

This legislation creates an occupational safety and health program for persons employed by State government and its political subdivisions. The legislation calls for occupational safety and health standards identical to those promulgated under the United States Occupational Safety and Health Act of 1970.

The legislation also creates a commission to report on the operation and effect of the public employee occupational safety and health program. The commission is composed of three members (a representative of the Speaker of the Assembly, the Temporary President of the Senate and the Governor) will issue an interim report one year after the effective date of the act and a final report two years after the effective date.

The legislation also appropriates \$15 million to assist localities in the funding of capital projects designed to abate occupational safety and health hazards which have been found by the Industrial Commissioner. Those projects approved for funding would be funded at 75% of the cost of the capital project necessary to comply with an order issued by the Industrial Commissioner. The fund is to be administered by a New York State Occupational Safety and Health Hazard Abatement Board which consists of seven persons appointed by the Governor. It is this Board that passes upon applications for funding from the \$15 million appropriation. Three of the members are to be appointed by the recommendation of the Temporary President of the Senate, Speaker of the Assembly and the Comptroller.

The legislation becomes effective 180 days after it is signed into law.

Background

Public employees in New York State are not covered by an occupational safety and health program. Since 1975 the Governor has consistently called for the creation of a public employee occupational safety and health program and has proposed legislation to create such a program under the jurisdiction of the State's Industrial Commissioner.

Assembly 11968-A, although not identical, is similar in general concept to the Governor's Program Bill No. 341 proposed to the Legislature during the 1980 Legislative Session. The instant bill deserves affirmative action by the Governor but with the realization that amendments are necessary to provide explicit clarity and a meaningful, workable process. Such suggested amendments would include:

a) Removing any possible confusion that the bill does not require the State to enter into a Section 18-b program under Federal OSHA. The intent of the Section is to have the State in conformity with Section 18-b and thus be available to enter into an agreement with the Federal government if it is in the best interest of the state.

b) Requiring the Industrial Commissioner to adopt all applicable OSHA standards rather than requiring the Commissioner to accept all Federal OSHA standards whether or not they apply to the public work place.

c) Clarifying the injunction proceedings. The wording of the bill regarding injunction proceedings is presently convoluted and obscure.

d) Amending the bill to provide a clear process for obtaining a permanent variance. Permanent variances, prudently granted, are important elements for an effective implementation of OSHA.

e) Placing emphasis on voluntary compliance procedures within the proposed bill. As presently drafted, the emphasis is put on compulsory compliance.

RECOMMENDATION

It is recommended that the Governor approve this legislation to implement a public employee OSHA program.

During the ensuing months, it is recommended that a task force be created to totally review the legislation in detail in order to introduce corrective and clarifying amendments at the earliest opportunity. This task force should consist of representatives of employer and employee groups affected by the legislation. It should have gubernatorial and legislative representation.



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

June 24, 1980

A#11968-A - by Committee on Rules

AN ACT to amend the labor law, in relation
to the occupational safety and health
of public employees and making an
appropriation therefor

DISAPPROVAL RECOMMENDED

Honorable Hugh L. Carey
Governor of the State of New York
Albany, New York

Dear Governor Carey:

The above bill is before you for executive action.

This legislation would grant to public employees the same occupational safety standards as are applicable to private sector employees. Federal Occupational Safety and Health Act (OSHA) standards would in effect be adopted.

The goal of this legislation as is indicated in the legislative declaration in section one of the bill is to provide for public employees a work "environment that is free from hazards and risks to their safety as is practicable." I am in total agreement with this statement of intent and in fact on July 2, 1979 promulgated an Executive Order calling for the collection of data in terms of the incidence of job related accidents, costs thereof and costs incurred to prevent future accidents.

My main concern is that the City does not at this time have the financial resources to undertake major capitol projects which could be mandated by this bill. While fifteen million dollars are appropriated, to be distributed by the newly created New York State Occupational Safety and Health Hazard Abatement Board, a public employer is not relieved from correcting a violation by variance or other means

(page 9, line 11-14). Thus, if the Board does not act on an application for funding as per its mandate (page 8, lines 49-55) prior to the public employer incurring major expenses, the public employer will be placed in the position of financing the entire project and later seeking seventy-five percent reimbursement from the Board. It should be noted that the Board may be prevented from acting in a timely manner for many reasons, including lack of sufficient appropriations.

Amongst some other problems with this particular piece of legislation is the fact that the State's Department of Labor, to our knowledge, does not have the necessary personnel to perform on site investigations in sufficient detail to assure orderly compliance with the law. It can be anticipated that there will be many requests for inspections shortly after the effective date of the law, should it be approved.

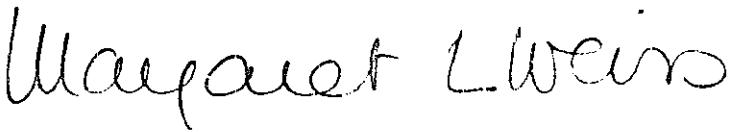
Further, there is a significant lack of ability under this legislation for the City administration to take an active role in the promulgation of safety standards affecting its employees. The City's recourse is virtually to show on a case by case basis which OSHA rules should be applicable and which should be superceded. This is a cumbersome process.

In conclusion, let me reiterate that while the safety of New York City's employees is of paramount concern to me, this particular piece of legislation is not in the interest of the City, its employees or the State. While in principle it attempts to provide an adequate funding mechanism to achieve federal OSHA standards, the appropriation and disbursement mechanisms are inadequate to insure attainment of the goal without causing substantial financial hardship on public employers throughout the state.

Accordingly, I urge your disapproval of this bill.

Very truly yours,

EDWARD I. KOCH, Mayor

By 
Legislative Representative

JK
A-11968
ERASTUS CORNING, 2ND
MAYOR
WILLIAM L. KEEFE
EXECUTIVE ASSISTANT

CITY OF ALBANY
STATE OF NEW YORK
OFFICE OF THE MAYOR

12207

JUN 25 1980

June 24, 1980

Honorable Hugh L. Carey
Governor
State of New York
Executive Chamber
Albany, New York 12224

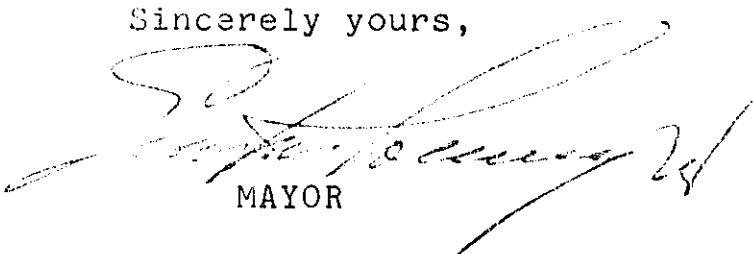
RE: Senate Bill No. 7025

Dear Governor Carey:

In connection with Senate Bill No. 7025 which establishes a New York State Occupational and Safety Hazard Act for state and local government, I respectfully request that this be vetoed. It is just one more State mandate on local government without any assistance that can have any real help.

The appropriation in the legislation seems to me to be a "drop in the bucket."

Sincerely yours,


MAYOR

EC:TD

Mayor
JOHN J. MCELROY

Board of Trustees
CARMEN F. GUARNIERI
MAR AND LOFARO
ALFRED A. MEYER
JOSEPH MORTELLIT

Village Clerk
ANN R. RIBERIO

C-729
The Village of Elmsford

INCORPORATED 1910
15 SOUTH STONE AVENUE, ELMSFORD, NEW YORK 10523
TELEPHONE (914) 592-6555

11765-
Village Justice
RICHARD J. LEONE

Treasurer
ANNE POVELLA

Village Attorney
THOMAS F. ENGLISH, JR.

Village Engineer
ERNEST WARNE, JR.

June 26, 1980

RECEIVED AFTER ACTION BY GOVERNOR

Gon. Richard A. Brown
Executive Chamber
State Capitol
Albany, New York 12224

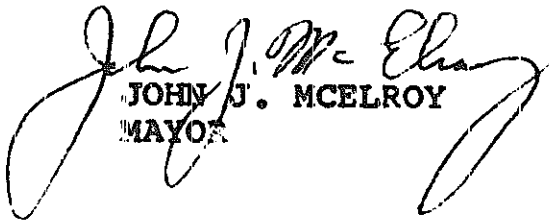
Dear Sir:

I, as Mayor of the Village of Elmsford and on behalf of the members of the Village Board would like to advise you that we are not in favor of passing the following bills:

S-7894-A	A-9622-A
S-9024-A	A-11968-A
S-9335-B	
S-7610	

Thanking you in advance,

Sincerely,


JOHN J. MCELROY
MAYOR

JJM:ATR

VILLAGE OF



A-11968
MAMARONECK

g.k.
OFFICE OF THE
VILLAGE MANAGER

Village Hall
Mamaroneck, N. Y. 10543

JUN 27 REC'D

TELEPHONE
600-1241
AREA CODE 914

June 25, 1980

Hon. Richard A. Brown
Executive Chamber
State Capitol
Albany, N.Y. 12224

Dear Mr. Brown:

The Village of Mamaroneck would like to express their
views on the bills listed below.

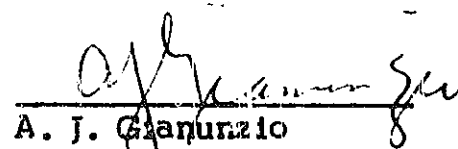
We are in favor of the following bills:

S.2397-A
S.3460
S.4300-D
S.7992
S.9067

The Village is opposed to the following bills, primarily
because of the monetary implications:

S.7894-A
S.9024-A
S.9335-B
S.7610
S.9067
A.9622-A
A.11968-A

Sincerely,


A. J. Granunzio
Village Manager

AJG:rf

Columbia University
School of Public Health

THE FACULTY OF MEDICINE
Division of Sociomedical Sciences

600 WEST 168th STREET
New York, N.Y. 10032

Cable Address:
COLUHEALTH New York

Honorable Richard Brown
Consul to the Governor
State Capital
Albany, New York

JUN 13 RECD

June 10, 1980

Dear Sir,

As a public health professional I feel that promotion of occupational health and safety for all workers is a moral obligation. Thus, I am writing to urge you to see that Senate Bill 7025 A, and Assembly Bill 1196 A, are signed into law as quickly as possible.

Sincerely,



Sally Guttmacher, Ph.D.
Assistant Professor

C-729 AL-11968
NEW YORK LIBRARY ASSOCIATION

15 Park Row, Suite 434, New York, New York 10038; Telephone: (212) 227-8032

June 26, 1980

Honorable Richard A. Brown
Counsel to the Governor
The Executive Chamber
The State Capitol
Albany, New York 12224

Dear Judge Brown:

Thank you for your request for comment on A11968. Because of the complexities of the issues involved in amending the labor law in relation to the occupational safety of public employees, particularly the potential impact on the finances of public institutions during this difficult economic period, the New York Library Association is not ready to share an informed opinion.

Therefore, we must advise that we need time for further study and investigation before we can take a responsible position. This issue will be on the agenda of our July 18 and August 8 meetings. It is probable that we will be in a better position to offer recommendations for action after those dates.

We hope that a decision on this important bill can wait until all affected institutions and organizations can fully and fairly evaluate the impact.

Sincerely,

Dadie Perlov

(Mrs.) Dadie Perlov, CAE
Executive Director

DP/eeh

NYEA/NEA

June 24, 1980

JUN 27 REC'D

MEMORANDUM

TO: Hon. Richard A. Brown
FROM: James F. Gaffney

Thank you for the opportunity to submit our views regarding 11968-A.

The New York Educators Association (NYEA) views this bill as an extremely important piece of legislation and one which merits enactment.

We are, however, predictably distressed at the omission of public schools from the legislation. Tens of thousands of school employees are daily confronted with safety and health hazards which are too important to ignore.

Recognizing that the omission of schools can not be addressed at this point, we firmly believe that the legislation is too important for other public workers to warrant opposition on our part and we would urge that the Governor sign this legislation into law.

JFG:cm

State of New York



**Metropolitan
Transportation
Authority**

347 Madison Avenue New York, New York 10017 Phone 212 878-7000

June 27, 1980

Members of the Board

Richard Ravitch
Chairman

Lawrence R. Bailey
Daniel T. Scannell
Vice Chairman

Civil Bellamy
Stephen Berger
David W. Brown
Jane K. Butcher
Herbert J. Libert
John F. McAlevy
Ronay Menschel
William J. Sheridan
Constantine Sidamon-Erstoff
Robert F. Wagner, Jr.
Robert T. Waldbauer

Executive Director

John D. Simpson

Hon. Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Re: Assembly 11968-A -- AN ACT
to amend the labor law, in
relation to the occupational
safety and health of public
employees and making an
appropriation therefor

Dear Judge Brown:

You have asked for our comments on Assembly 11968-A which would provide for the development and enforcement of occupational safety and health standards for public employees. While we have not had sufficient time to analyze fully the cost implications of the application of the proposed law to the Authority and its affiliated agencies, we nevertheless believe that the expense associated with its implementation will be quite substantial.

We question whether the monies appropriated by the bill will provide sufficient funding to assure that the whole state and all of its political subdivisions, agencies, and instrumentalities can be brought into compliance with the safety and health standards proposed.

As you are no doubt aware, the financial condition of the Authority is such that there will be no monies whatsoever available within the foreseeable future to fund the expenditures which compliance with such a law may necessitate.

Very truly yours,


Richard K. Bernard
General Counsel



Broome County Department of Law
Broome County Office Building
Government Plaza
Binghamton, New York 13902
Box 1766
(607) 772-2117

JUL 8 REC'D

C-729 AL-11968-4

Donald L. McManus, County Executive
John E. Murray, County Attorney
Martin D. Schulman, Chief Assistant
Michael R. Wright, Senior Assistant
Steven Weinberger, Senior Assistant
Alfred Panicola, Jr., Assistant
Jerry Stockett, Manager, Risk & Insurance

July, 2, 1980

Hon. Richard A. Brown
Executive Chambers
State Capital
Albany, New York 12224

Re: OSHA Legislation (11968-A)

Dear Mr. Brown:

While I realize that, given the nature of the support for this Bill, objections to the same may be futile but I feel an obligation to the County and the State to voice my criticism of the Legislation.

New York State increasingly is placed in a disadvantageous position to retain jobs in industry in this State as compared to the sun-belt states and others. Two of the major reasons for our lack of competitive status is the State's high tax base and its over-regulation.

The net result of the proposed law is to create more bureaucracy, more unnecessary jobs and more unnecessary expense without appreciably adding to employees' safety.

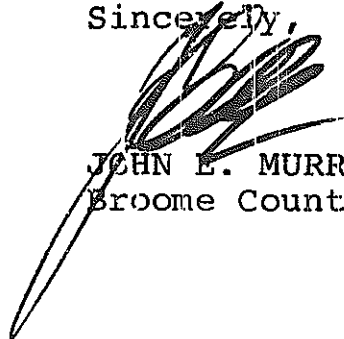
Municipalities are in a far superior position to maintain adequate safety standards than the state acting through another regulatory agency. The presence of news media, employee unions and the like are sufficient protection and impetus to protect municipal employees and the ability and method of response is better left in the hands of elected officials than civil service bureaucrats.

There is little doubt in my own mind that employee organizations will use the complaint procedures as part of its harrassing tactics when difficult bargaining situations arise and there is no doubt that the County will have to devote more time and expenditures of money to attend yet one more hearing in a never ending process designed to promote bureaucracy and accomplish little, if anything.

I know of no state that consistently creates unnecessary expenses and burdens upon local government which expense must be borne by the taxpayer and achieve so little other than perpetuating a bloated bureaucracy.

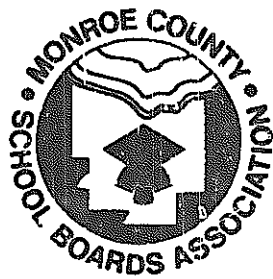
I strongly and undoubtedly futilely object to this Bill.

Sincerely,



JOHN E. MURRAY
Broome County Attorney

JEM/js



41 O'CONNOR ROAD
FAIRPORT, NEW YORK 14450
(716) 377-4660

AC-11120-2
C-729

JUN 30 1980

June 23, 1980

The Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York 12224

Re: A11968-A NYS OSHA

Dear Mr. Brown:

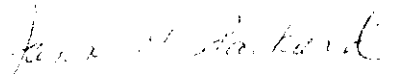
The language contained in the State Occupational Safety and Health Act concerns the school districts who are members of this Association. We opposed the original bill (A11968) and are not sure the amended version has improved the proposal as much as it could have been improved.

We understand that school "buildings" are to be excluded from OSHA coverage if "certified by the commissioner of education as being in compliance ...". We find that language confusing. How will this certification be obtained? or is it automatic for existing buildings? Also, the bill states that "... The board shall fund seventy-five percent of the cost of any capital abatement project ...". Why are only capital projects funded? What about the employers who are ordered to comply and find that the year's appropriations have been used up?

Also, it seems incredible to me that anonymous and frivolous complaints will be allowed; they should be prohibited. During difficult negotiations, these complaints could become a form of harassment of school administrators.

We urge you to clear up the ambiguities of this amended bill and address the problems this bill will cause.

Cordially,


Jann G. Packard
(Mrs. Philip T. Packard)
Executive Director

JGP:bje
c: William O'Neill, NYSSBA

C-729 A-11968-A
POWER AUTHORITY OF THE STATE OF NEW YORK

10 COLUMBUS CIRCLE NEW YORK, N. Y. 10019

(212) 397-6200

RECEIVED AFTER ACTION BY GOVERNOR



June 24, 1980

JUL 1 REC'D

TRUSTEES
JOHN S. DYSON
CHAIRMAN
GEORGE L. INGALLS
VICE CHAIRMAN
RICHARD M. FLYNN
ROBERT I. MILLONZI
FREDERICK R. CLARK

GEORGE T. BERRY
PRESIDENT & CHIEF
OPERATING OFFICER

JOHN W. BOSTON
EXECUTIVE VICE
PRESIDENT & DIRECTOR
OF POWER OPERATIONS

JOSEPH R. SCHMIEDER
EXECUTIVE VICE
PRESIDENT & CHIEF
ENGINEER

LEROY W. SINCLAIR
SENIOR VICE PRESIDENT
& CHIEF FINANCIAL
OFFICER

THOMAS R. FREY
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

Honorable Richard A. Brown
Executive Chamber
State Capitol
Albany, NY 12224

Subject: A. 11968-A, to amend the labor law,
in relation to the occupational safety
and health of public employees and
making an appropriation therefor

Dear Dick,

Thank you for sending the subject bill and asking for
our comments and recommendations.

This bill would by action of the Industrial Commissioner
impose federal safety and health standards promulgated under
the U.S. Occupational Safety and Health Act upon all non-federal
public employers in New York State, including all state agencies,
municipalities and public authorities. It would also appropriate
\$15,000,000 to fund 75% of the capital cost of any capital
abatement project necessary to comply with an enforcement order
issued by the Industrial Commissioner pursuant to the proposed
act.

Although the Power Authority is not prepared to recommend
veto of this bill by the Governor, it is concerned that the cost
of compliance with OSHA standards by state and local government
entities will far exceed the amount appropriated, and will
result in increased future tax burdens and user charges for
the citizens of the state.

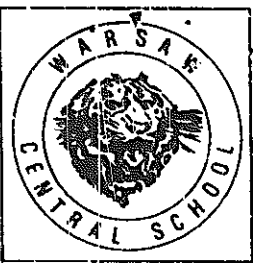
Very truly yours,

A handwritten signature in dark ink, appearing to read "Tom Frey".

Thomas R. Frey
General Counsel

11968

JUN 9 1980



Warsaw Central School District

Warsaw, New York 14569

June 4, 1980

DISTRICT OFFICE
WEST COURT STREET
(716) 786-2932

W. Jerome Smith
President of the Board

George R. Krah
Superintendent

Carol A. Smith
Business Manager and Clerk

HIGH SCHOOL
WEST BUFFALO STREET
(716) 786-2272

Dean H. Kaminske
Principal

ELEMENTARY SCHOOL
WEST COURT STREET
(716) 786-2281

Don R. Felix
Principal

Governor Hugh Carey
State of New York
Albany, New York

Dear Governor Carey:

It has come to our attention that a bill calling for a State Occupational Safety and Health Act (SOSHA) affecting public employers has been introduced into the assembly as A11968 and will shortly be introduced into the senate.

Because just a year ago the State Labor Department determined that the State Education Commissioner's Safety and Health regulations were as good as, or in some cases, superior to the Federal version of these regulations; we feel the enactment of this bill for schools would accomplish nothing worthwhile. On the contrary, the effect of this bill would be to create additional paperwork, and increase the costs for personnel, legal counsel, and equipment and materials without measurably benefiting anyone.

Please use your influence in opposing this bill which can only be detrimental to the best interests of our schools, employees, and pupils.

Sincerely,

George R. Krah
George R. Krah
Superintendent of Schools

GRK:CS

A. 11968-A

JUN 20 1980

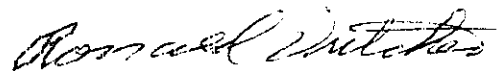
June 19, 1980

Hon. Richard A. Brown
Executive Chamber
State Capitol
Albany, NY 12224

Dear Hon. Brown:

The New York State Association of School Business Officials does not favor the approval of A 11968 A in relation to occupational safety and health of public employees.

Sincerely,



RONALD F. DUTCHER
Vice Chairman for Legislation
N.Y.S.A.S.B.O.

RFD:mls

STATE LEGISLATIVE NETWORK



NEW YORK STATE SCHOOL BOARDS ASSOCIATION
111 Washington Avenue, Albany, New York 12210

JUN 4 Recd

11234 Alexander Road
Attica, New York 14011
June 2, 1980

Governor Hugh L. Carey
The Capitol
Albany, NY 12224

Dear Sir:

SUBJECT: ASSEMBLY BILL A 11968

We urge your consideration and support in defeat of Assembly Bill A 11968, known as State OSHA.

The damage to public employers is obvious. In these times of severe burdens on School Boards and other public employers, we cannot cope with a situation such as this.

We urge your support for the defeat of this Bill!

Sincerely yours,

BOARD OF EDUCATION
ATTICA CENTRAL SCHOOL DISTRICT

Donald R. Leonard

By: Donald R. Leonard, Member
Board of Education &
State Legislative Network

DRL/sdf

XC: William F. O'Neill, Director of Legislative Services



BEEKMANTOWN CENTRAL SCHOOL DISTRICT

P. O. BOX 829

PLATTSBURGH, NEW YORK 12901

TELEPHONE 563-9250



R. GEORGE C. SAUNDERS
SUPERINTENDENT

June 6, 1980

OFFICE OF THE SUPERINTENDENT

JUN 13 REC'D

The Honorable Hugh Carey
Governor, State of New York
Albany, New York

Dear Governor Carey:

Assembly Bill 11968 recently introduced purports to protect the safety of workers. No doubt, that is what its author intends for it to do. However, its application to public schools, already rigidly regulated by the various state agencies (Education Department, Department of Transportation, et al), is inappropriate, cumbersome, and wasteful.

I will not enumerate the various objections that I have to this bill, but draw your attention to a copy of a memorandum sent to me by the New York State School Boards Association, with which I concur.

Please give this matter careful consideration and act to protect the rights of workers through other more studied legislation.

Sincerely yours,

George C. Saunders
Superintendent of Schools

GCS:cas

H-11968
JUN 9 1980

PENFIELD CENTRAL SCHOOLS

PENFIELD, NEW YORK 14526

(716) 836-7170

RICHARD E. MACE, SR.
SUPERINTENDENT OF SCHOOLS



June 6, 1980

Mr. Richard A. Brown
Counsel to the Governor
The Capitol
Albany, New York

Dear Mr. Brown:

This is to state opposition to Bill No. A 11968, State Occupational Safety and Health Act.

The language of the bill is such that it impacts upon all public employers. The bill will require school districts to be involved in excessive new paper work, incur additional costs for legal counsel and litigation, and mandate additional capital and non-capital expenditures.

The bill would impose standards that are unneeded, in that the Education Commissioner's Safety and Health regulations are equal to, if not better than, Federal OSHA standards.

In essence, passage of this bill would mandate additional expenditures that are unnecessary.

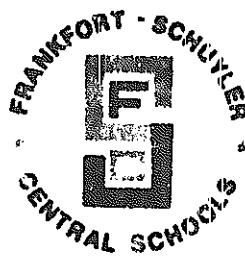
Sincerely,

Richard E. Mace, Sr.
Superintendent of Schools

pk

BOARD OF EDUCATION

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Gerald D. Crimmins
Anthony J. Feduccia
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Nicholas A. Frank, *Clerk*



FRANKFORT-SCHUYLER
CENTRAL SCHOOL DISTRICT
FRANKFORT, NEW YORK 13340

Dr. J. Lynn DeForest, *Superintendent*
Franklyn L. Barrett, *Business Manager*

ADMINISTRATION

Richard B. Jones
High School Principal
George P. Whitney
Middle School Principal
Jon D. Loiacano
Reese Road Principal
Rocco J. Longo
West Frankfort Principal
Joseph A. Zizzi
Director, Spec. Svc.

-2-

to keep such detailed records. Although as employers, we could apply for grants covering 75% of capital costs, there is absolutely no guarantee that such grants would be awarded, even though the school district would have to spend the money. School districts throughout New York State that are at or close to their debt and tax limits would be required to make an ordered capital expenditures whether or not the voters approved and whether or not educational programs had to be undermined in the process. We take issue and are opposed to A 11968.

We sincerely hope that our position has been made clear. We are opposed to this legislation and seek your support in opposing the passage of A11968.

Sincerely,

Dr. J. Lynn DeForest
Superintendent of Schools

JLD:h

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Nicholas A. Frank, *Clerk*



FRANKFORT-SCHUYLER CENTRAL SCHOOL DISTRICT FRANKFORT, NEW YORK 13340

Dr. J. Lynn DeForest, *Superintendent*
Franklyn L. Barrett, *Business Manager*

7-11968
JUN 9 1980 ADMINISTRATION

Richard B. Jones
High School Principal
George P. Whitney
Middle School Principal
Jon D. Loiacano
Reese Road Principal
Rocco J. Longo
West Frankfort Principal
Joseph A. Zizzi
Director, Spec. Svc.

June 3, 1980

Governor Hugh Carey
State Capitol Office Bldg.
Albany, New York 12224

Dear Governor Carey:

I am taking this opportunity on behalf of the Board of Education of the Frankfort-Schuyler Central School District and myself to write to you expressing our deep and abiding concern regarding the proposed State Occupational Safety and Health Act (A 11968), which was introduced on May 22, 1980.

A review of this proposed bill suggests, beyond any doubt, that the passage of such a bill would require a great deal of excessive paper work, additional costs for legal counsel and litigation and additional capital and non-capital expenditures. As I am sure you are well aware and sensitive to, school districts throughout the state are now inundated with oft-times superfluous unnecessary and an exceedingly time consuming responsibility to paper work, interpretations of standards, regulations, etc.. A 11968 adds significantly to this burden.

We are extremely concerned about the conflict of OSHA standards with other specialized sets of standards. We are concerned that where a conflict with State Education Department Health and Safety Regulations for schools occurs, that the federal standards will prevail. The federal standards proposed would also create problems which are totally unnecessary. We work diligently to have cooperative and meanable relations with all of our unions; however, allowing employees or union representatives to have unlimited access to making anonymous complaints as frequently as they wish, can do nothing but strain relations, particularly, if we do not have the opportunity to know where the complaint originates from and whether or not such complaints would be justified. We are concerned that the employees would be protected regardless of how malicious the complaints were or how frequent or frivolous these complaints might be. The detailed record keeping implied relative to employee exposure to potentially harmful substances, may theoretically, be advantageous, but one must consider the limited availability of staff, funds and resources

JUN 9 1980

Southwestern Central School District

600 HUNT ROAD • JAMESTOWN, NEW YORK 14701 • (716) 484-1136
OFFICE OF THE SUPERINTENDENT

June 5, 1980

Governor Hugh Carey
Office of the Governor
Albany, NY 12224

Re: State Occupational
Safety & Health Act
Assembly Bill #A11968
Senate Number Unknown

Dear Governor Carey:

The Southwestern Central School Board wishes to express to you our deep concern about some of the problems we see in the move to formulate and pass legislation in Albany which would extend federal Occupational Safety and Health Administration standards to public employment.

1. At a time when the taxpaying public is clearly asking for relief from government costs and regulations, it seems unwise politically to begin a vast new program which can only increase these costs and regulations.
2. Governor Carey and many legislators have asked and encouraged local governments to reduce their expenditures. This type of legislation mandates increased costs in manhours, record keeping, possible building renovations, litigation, etc. with little or no increase in safety and health. This point is clear in many sectors of public employment where there are efficiently run departments which enforce the existing superior regulations concerning health and safety. The State Education Department is an outstanding example.
3. Legislators may find the broad concept of safety and health appealing, but we ask you to thoughtfully consider the frustrating, confusing and wasteful bureaucratic reality we foresee.

May we hear from you soon concerning your thoughts and intentions in this matter? Thank you.

Sincerely,

Phyllis Annison
Mrs. Phyllis Annison, Member
Board of Education

Board of Education

Manhasset Union Free School District • Manhasset, N.Y. 11030

June 17, 1980

The Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
The Capitol
Albany, N. Y. 12224

JUN 19 1980

Dear Counselor:

We strongly urge the Governor to VETO the State Occupational Safety and Health Act (SOSHA), A 11968-A.

While we certainly support safety and health, this costly bill should be rejected to the following reasons:

- 1 - The State Labor Department has declared that existing Education Commissioner's safety and health regulations are as good as, if not superior to Federal OSHA standards.
- 2 - The bill would impose Federal OSHA regulations. These regulations, in my business experience, are a classic example of non-reasoning bureaucratic interference, frequently having little or no practical effect on safety. They are a significant contributor to governmental economic drag; totally disproportionate to any purported benefits.

Relief from such inappropriate or counterproductive regulations in this bill would be onerous and costly.

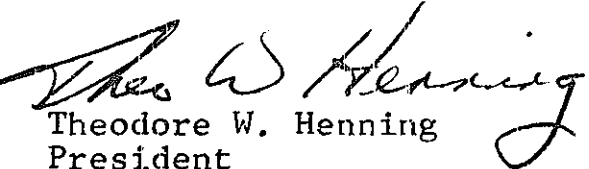
- 3 - Administrative, legal and harassment burdens would outweigh any possible benefits as detailed on the attached list of concerns.

Our purpose is to educate - effectively, efficiently and safely. We urge you not to impose this educational drag by mandating additional administrative burdens, creating costly legal actions and permitting frivolous employee and union harassment, all of which would be counterproductive to our basic purpose.

Please VETO A 11968-A, the State Occupational Safety and Health Act.

Sincerely,

MANHASSET BOARD OF EDUCATION


Theodore W. Henning
President

H-11768

JUN 9 1980

LEGISLATIVE MEMO:

WE SUPPORT

DC 37

A.11968-Barbaro, et al

S. 7025/- Flynn, et al

Norman M. Adler, Director
Political Action and
Legislation

Albany Address:

150 State Street, 5th Floor

Albany, New York 12207

(518) 436-0665

This bill would extend occupational safety and health (OSHA) coverage to all public employees in New York State.

The bill contains the following basic provisions:

1. It requires the State Industrial Commissioner to adopt the federal OSHA standards currently in effect.
2. It provides for inspections by the Industrial Commissioner upon complaints by employees or their representatives. Employees who make complaints are fully protected against punishment by their employers.
3. It permits the Industrial Commissioner to order public employers to correct safety and health hazards and to "red tag" (prohibit the use of) unsafe work sites and equipment.
4. It provides that local governments may receive 75% funding from the State for capital construction projects which may be necessary to abate safety and health hazards.

Public employees are now the only workers in New York State not covered by OSHA. Private sector workers are covered by federal OSHA and federal employees are covered by President Carter's Executive Order. There is no justification for public employees' health and safety to be less worthy of protection than that of other workers. This is particularly true in light of the fact that New York City employees suffer about 20,000 disabling injuries per year, an accident rate which is about the same as that for coal miners and which greatly exceeds that for all private industry.

As well as providing equal protection to public employees, this bill would save employers money. Recently New York City paid out about \$100 million in workers' compensation benefits, disability retirement benefits, and law claims. The dramatic improvements in working conditions which this bill would provide would go far toward reducing this huge drain on the city treasury. An investment of \$15 million statewide over five years would save public employers and the taxpayers many more millions of dollars.

District Council 37 urges your support for this important legislation which will prevent injuries to public employees and save public employers money.



May 27, 1980

District Council 37, American Federation of State, County & Municipal Employees, AFL-CIO
140 Park Place, N.Y., N.Y. 10007 (212) 766-1000 Victor Gotbaum, Executive Director



Founded in 1925

POLICE CONFERENCE of New York, Inc.

Union of Police Officers

Executive Offices: 112 State Street—Suite 1120, Albany, New York 12207
Tel. (518) 463-3283

JUN 26 1968

PETER J. REILLY, President
JOSEPH TOUHEY, 1st Vice President
GERALD F. WASHBURN, 2nd Vice President
JOSEPH SANCHEZ, 3rd Vice President
ANTHONY DeJAMES, Recording Secretary
BARNEY L. AVERSANO, Treasurer
ARTHUR J. HARVEY, Counsel
SAM CRAMER, Public Relations
REV. OLOF JOHNSON, Chaplain

M E M O R A N D U M I N S U P P O R T

Assembly 11968 introduced by Committee
on Rules at request of Mr. Barbaro,
et al.

The Police Conference of New York, Inc. (PCNY), representing 218 PBA member locals and 7 regional police conferences with a total membership of 45,000 professional Police Officers throughout the State of New York, supports Assembly 11968.

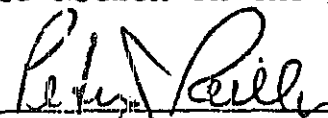
The PCNY concurs with the legislative declaration as follows: "The legislature hereby finds and declares that there is a basic right of all employees to work in an environment that is as free from hazards and risks to their safety as is practicable, and it is the intent of the legislature to insure that this right is also afforded to employees of the state, its counties, cities, towns, villages and other public employers who serve the people of this state.

"A significant percentage of all of those employed in this state are employed by the state or by one of its political subdivisions; many of these public employees perform job functions comparable to those performed by workers in the private sector who are protected by the United States Occupational Safety and Health Act of 1970 (P.L. 91-956). The legislature therefore finds it inappropriate to continue two standards for employee safety, one applicable to those who work in the private sector and one for those who are employed by the state or local government.

"The legislature has further determined that a safe place in which to work is economically advantageous to employers. Work related accidents and injuries, and the absences caused thereby, decrease employee productivity and increase workers' compensation costs; unsafe premises increase the risk of financial liability for injuries to members of the public who frequent our public buildings.

"For these reasons, the legislature, in an exercise of the state's police power, charges the industrial commissioner with the responsibility to insure that all public employees are afforded the same safeguards in their workplace as are granted to employees in the private sector."

The PCNY therefore strongly urges favorable action on the proposed legislation.


Peter J. Reilly, President

Member New York State Public Employee Conference of New York, Inc.

42-11968-a

Legislative Memo

We Support



NEW YORK STATE PROFESSIONAL FIRE FIGHTERS ASSOC. AFL-CIO • 1 COLUMBIA PLACE, ALBANY, N. Y. 12207 • TEL. (518) 436-8827

MEMORANDUM IN SUPPORT OF:

A-11968-A

JUN 19 1968

JUN 19 1968

This long overdue legislation is greatly needed by the public employees in New York State.

We urge the Governor to sign into law bill A-11968-A placing public employees under O.S.H.A.

Submitted by,

Robert Gollnick
President

Dominick Timpano
Secretary/Treasurer

JK

A-11968

UNIFORMED
FIRE DEPARTMENT, CITY OF NEW YORK
FIRE OFFICERS
LOCAL 834, INTERNATIONAL ASSN. OF FIRE FIGHTERS, AFL-CIO
ASSOCIATION

225 BROADWAY ☆ NEW YORK, NEW YORK 10007 WORTH 2-7970

June 23, 1980

Hon. Hugh L. Carey
Governor of New York
Executive Chambers
Albany, N.Y. 12224

Dear Governor Carey:

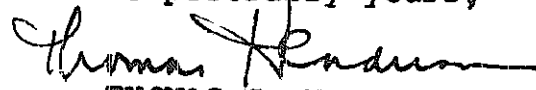
On behalf of the Uniformed Fire Officers Association, I respectfully urge your favorable consideration by signing into law Assembly Bill #11968 and Senate Bill #7025. This Bill would enact new provisions relative to safety and health standards for public employees.

As President and a New York City Fire Officer, my primary concern has always been the health and safety of our members.

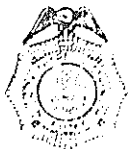
Your favorable reply by the enactment of this bill would demonstrate your utmost concern for the health and safety of the firefighters of this City.

We anxiously look forward to approval of this bill.

Respectfully yours,


THOMAS C. HENDERSON
President

TCH:gs



— AFFILIATED WITH —

NEW YORK STATE AFL-CIO

NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO • MARITIME PORT COUNCIL OF GREATER NEW YORK & VICINITY
UNION LABEL & SERVICE TRADES COUNCIL OF GREATER NEW YORK & LONG ISLAND • NATIONAL SAFETY COUNCIL

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1811968
A-11968

Patrolmen's Benevolent Association

NEW YORK CITY TRANSIT POLICE DEPARTMENT

299 BROADWAY (ROOM 505) • NEW YORK, N. Y. 10007 • Telephone 964-6953

WILLIAM McKECHNIE
President

FLOYD HOLLOWAY
1st Vice-President

DENNIS AHERN
2nd Vice-President

JAMES GROARK
Executive Secretary

JOSEPH CARNEY
Financial Secretary

JOHN GALVANI
Recording Secretary

JOHN McLOUGHLIN
Treasurer

June 22, 1980

JUN 24 1980

Governor Hugh L. Carey
The Capitol
Albany, New York

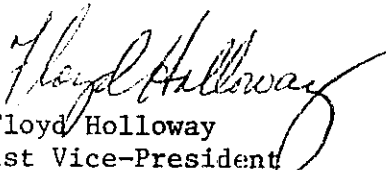
Dear Governor Carey,

The New York City Transit Patrolmen's Benevolent Association urges your approval of Assembly Bill 11968 which would, if passed, amend the Occupational Safety and Health Act (O.S.H.A.) so as to have the sections of that federal law apply not only to private industry but to the public sector as well.

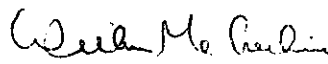
Many of our members are working under conditions which are totally in violation of any health guidelines whether it be in the level of noise, the conditions in the district offices, etc. This law will directly prohibit the continuation of such abuses.

On behalf of all of our members and their families who are vitally concerned with the safety and welfare of our membership, we urge your approval of this important piece of legislation.

Sincerely yours,


Floyd Holloway
1st Vice-President

&
Legislative Chairman


William McKechnie
President

WM:kmd

A 11968

*Affiliated with the American Federation of Labor and Congress of Industrial Organizations through the International Association Fire Fighters
Affiliated with Union Label and Service Trades Council of Greater New York
Affiliated with New York City Central Labor Council AFL-CIO
Affiliated with New York State AFL-CIO*

J K

NICHOLAS MANCUSO LAD. 44
President

LOUIS A. SFORZA LAD. 86
Vice-President

ROBERT DIVIRGILIO ENG. 88
Fin. & Rec. Secy.

THOMAS F. REILLY ENG. 73
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Sergeant-at-Arms



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Trustee—Brooklyn

BELA MAKULA, JR. ENG. 43
Trustee—Bronx

OF GREATER NEW YORK
225 BROADWAY, NEW YORK, N. Y. 10007
TELEPHONE: BEEKMAN 3-4234
LOCAL UNION No. 94



June 17, 1980

Hon. Hugh Carey
Governor of New York
Executive Chambers
Albany, New York 12224

Dear Governor Carey:

On behalf of the Uniformed Firefighters Association representing 9,000 New York City firefighters, I respectfully urge your favorable consideration by signing into law Assembly Bill #11968 and Senate Bill #7025. This bill would enact new provisions relative to safety and health standards for public employees.

As President and a New York City firefighter, my primary concern has always been the health and safety of our members.

Your favorable reply by the enactment of this bill would demonstrate your utmost concern for the health and safety of the firefighters of this City.

We anxiously look forward to approval of this bill.

Respectfully,

Nicholas Mancuso
NICHOLAS MANCUSO
President

LOUIS A. SFORZA
Legislative Chairman

NM: fs

American Federation of State, County & Municipal Employees, AFL-CIO

140 PARK PLACE • NEW YORK, N.Y. 10007

Telephone: 766-

district council

AL-11968-A
37

JK
JOSEPH ZURLO
President

June 23, 1980

VICTOR GOTBAUM
Executive Director

CHARLES HUGHES
Secretary

ARTHUR TIBALDI
Treasurer

The Hon. Richard Brown
Counsel to The Governor
Executive Chamber
Capitol Building
Albany, NY 12224

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**Deputy to the
Executive Director**

Al Bilik

Dear Dick:

I am writing to urge the Governor to approve A. 11968-A Barbaro, Fink, which would give public employees in New York State occupational safety and health protection similar to that enjoyed by private sector and federal employees.

As you know, this bill is the culmination of six years of effort by public employees to gain the protections enjoyed by other workers. The bill was developed in close consultation with the leaders of both houses of the legislature and with the Governor and his staff. Although the bill differs in some respects from the bill submitted by the Governor, its passage was certainly hastened and encouraged by the fact that the Governor called for a public employee OSHA bill in his State of the State message.

This bill recognizes that there is no justification for public employees' health and safety to be less worthy of protection than that of other workers. This is particularly true in light of the fact that New York City employees suffer about 20,000 disabling injuries per year, an accident rate which is about the same as that for coal miners and which greatly exceeds that for all private industry.

In addition to providing equal protection to public employees, this bill will save public employers money in the long run. Recently, New York City paid out about \$100 million in workers' compensation benefits, disability retirement benefits, and law claims. The dramatic improvements in working conditions which this bill will provide will go far toward reducing this huge drain on the City treasury. An initial investment of state and local government funds will ultimately save the taxpayers millions of dollars.

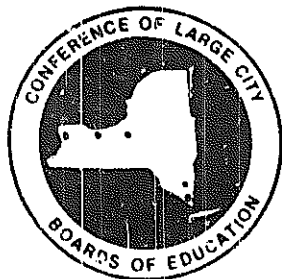
Hon. Richard Brown
Page 2
June 23, 1980

I regard this bill as perhaps the major piece of labor legislation for public workers in the last decade. It reaffirms the fact that public employees can no longer be considered second class citizens. Simply, it will save dollars and lives. I strongly urge the Governor to sign this legislation.

Sincerely,


Victor Gotbaum
Executive Director

VG:RW/jmc



A 11968-A B.J.

CONFERENCE OF LARGE CITY BOARDS OF EDUCATION

111 Washington Avenue

Albany, New York 12210

Telephone (518) 465-4274

June 20, 1980

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Yonkers

EXECUTIVE DIRECTOR
EUGENE C. SAMTER

The Honorable Richard A. Brown
Executive Chamber
State Capitol
Albany, New York 12224

Re: A 11968-A

Dear Judge Brown:

This letter is in reference to A 11968-A, a bill to establish a program for occupational safety and health in state and local public employment. Despite the common wisdom that nothing will prevent enactment of this legislation, the Conference of Large City Boards of Education wishes to state its objections for the record, particularly as they may be useful in future amendments.

It would be irresponsible and inaccurate to state that the Conference opposes the intent of this legislation to ensure for public employees "an environment that is as free from hazards and risks to their safety as is practicable" If anything, the legislative intent in A 11968-A falls short as it applies to public education, in that it overlooks the pupils whose safety and health are a major concern.

Of equal or greater concern to the large city school boards, however, are the viability and fiscal health of the educational program provided for pupils in city schools. These may be impaired by procedural, fiscal and technical flaws in A 11968-A and the Conference is constrained to oppose the bill on these grounds.

First, the bill fails to exclude existing school buildings in the Big Five districts from application of the OSHA standards. Lines 1-6 on page 3 of A 11968-A apparently intend such exception by reference to the Regulations of the Commissioner of Education, yet the pertinent reference, Part 155.3, covers all but the Big Five whose facilities are regulated by other, primarily local ordinances. Even if this discriminatory impact is corrected by amendment, A 11968-A presents a potential administrative nightmare of determining on a case-by-case, complaint-by-complaint basis which standards apply: OSHA standards or ordinances; or, for smaller school districts, OSHA standards or regulations.

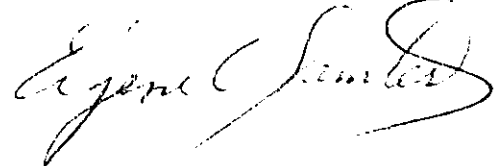
Re: A 11968-A

Second, the bill perhaps unintentionally supersedes school board responsibility to prosecute charges of misconduct under Education Law Section 3020-a. The filing by an employee of malicious, frequent or frivolous complaints, while hopefully a rare occurrence, is nevertheless conceivable. But lines 8-29 of page 7 of the bill would prohibit the use of such behavior by a school board as evidence in a 3020-a proceeding.

Third, the funding provisions of A 11968-A are ambiguous and inadequate. (1) There is no guarantee, as there should be, that abatement costs will be fully state financed so as not to cause diversion of tight local funds from instructional or other programs of equal or greater importance. In fact, only 75% state money is available. (2) Only capital abatement projects would be eligible for state assistance; non-capital expenditures could be ordered for compliance but would be entirely a local cost burden. (3) No variance or temporary variance would be granted for a school board or other employer whose application for funds is denied because the state appropriation of \$15 million for this purpose has been exhausted. (4) No state funds would be available for voluntary compliance. (5) Despite implications that the \$15 million appropriation would be for abatement projects of political subdivisions, no clear language indicates that the monies would be reserved for local governments. In this respect, would many public authorities be deemed political subdivisions? (6) Finally, there is reason to doubt the adequacy of the \$15 million figure in a 1979 Labor Department Study of the capital expenditures necessary for political subdivisions to comply with OSHA standards. That study, which sampled only 1% of the political subdivisions, gave an estimated cost of \$552,742 for necessary capital abatement, indicating a statewide total cost perhaps four times greater than the appropriations made available in A 11968-A.

If all the objections listed above were alleviated in corrective amendments to A 11968-A before its date of effect, the Conference would appreciate the opportunity to reconsider its position. At present, however, the Conference must oppose A 11968-A and urge that it not be approved.

Very truly yours,



ECS/vdk



HORSEHEADS
CENTRAL SCHOOL DISTRICT
HORSEHEADS, NEW YORK 14845 (607) 739-5601

JUN 9 1980

JACK W. COAFMAN
SUPERINTENDENT OF SCHOOLS

June 5, 1980

The Honorable Hugh L. Carey
Governor of the State of New York
Executive Chambers
The Capitol
Albany, New York 12224

Sir:

The OSHA Assembly Bill, A11968, which was introduced on May 28, 1980 is, in my opinion, a bad bill which would require excessive paper work, additional costs for legal counsel and litigation and additional capital and non-capital expenditures.

Some of the problems which would occur with this bill are:

1. It requires the adoption of all 800 plus pages of federal OSHA standards plus construction standards and several other specialized sets of standards (&27a, subdivision 4, line 19-26).*
2. Where there are conflicts with the State Education Department's health and safety regulations for the schools, (Part 155, Commissioner's Regulation's), the Federal standards would prevail.

Examples:

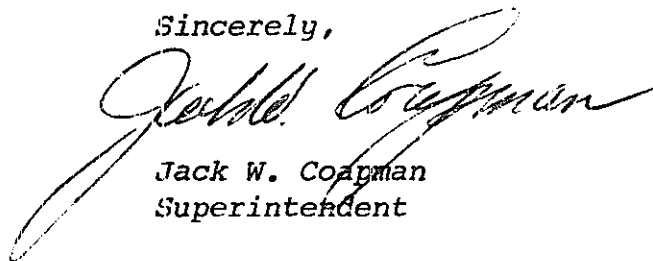
- o SED regulations state that the letters on EXIT signs must be not less than 4½" high; OSHA regulations state that the letters on EXIT signs must be not less than 6" high. Schools would have to be not less than 6".
- o SED regulations say fire extinguishers must be available within 120 feet of any point in a building corridor; OSHA regulations say fire extinguishers must be available with 75 feet travel distance (50 feet in some cases). Schools would have to meet latter requirements.
- o A detailed, time consuming review of Federal standards would produce a multitude of similar differences.

3. Employees or union representatives could make anonymous complaints as frequently as they wish. The Labor Department would be required to inspect the violation complained of "forthwith" (§27a, subdivision 5a, lines 41-43).
4. Once on the premises, an inspector could check anything he wanted for violations. It would be open season on the school district (§27a, subdivision 5c, lines 50-54).
5. Employees would be specifically protected against discipline or discrimination for filing complaints no matter how malicious, frequent or frivolous these complaints might be (§27a, subdivision 10a, lines 17).
6. The only way school districts could avoid complying with all federal OSHA standards - even if existing standards are as good or better - would be to seek a variance from the head of the State Labor Department (the Industrial Commissioner). This involves expensive legal assistance to fulfill detailed requirements (§27a, subdivision 8a,b,c,d).
7. Even if the variance is granted, even permanently, any employee or his union agent could seek after six months to have it revoked or modified, and could continue to seek to have it revoked or modified continually thereafter (§27a, subdivision 8c).
8. Detailed record-keeping of employee injuries, employee exposures to potentially harmful substances or other matters would be required. Paperwork details would be prescribed by the Industrial Commissioner (§27a, subdivision 9a,b,c).
9. Although employees could apply for grants for 75 percent of the capital cost of changes necessary to comply with the order issued by the Industrial Commissioner, the State Occupational Safety and Health Hazard Abatement Board would NOT have to award the grant, even though the school district WOULD have to spend the money (§27a, subdivision 14a,b,c,d).
10. School district at or close to their debt and tax limits would be required to make ordered capital expenditures, whether or not the voters approved and whether or not educational programs had to be undermined in the process.

I assure you that our district has demonstrated our concern about the safety and health of our staff and students and that our excellent record speaks for itself. I do not believe that the proposed bill is in the best interest of our school district. In 1979 the State Labor Department declared that the Education Commissioner's safety and health regulations were as good as, if not superior to, the Federal OSHA standards.

I therefore urge you to defeat this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack W. Coagman".

Jack W. Coagman
Superintendent

*Refers to Assembly Bill A11968

JWC/jk

This bill will require -

- o Excessive new paperwork
- o Additional costs for legal counsel and litigation
- o Additional capital and non-capital expenditures

Here are some of the problems with this bill:

1. It requires adoption of all 800 plus pages of federal OSHA standards plus construction standards and several other specialized sets of standards (§27a, subdivision 4, lines 19-26).*
2. Where there are conflicts with the State Education Department's health and safety regulations for the schools, (Part 155, Commissioner's Regulation's), the Federal standards would prevail.

Examples:

- o SED regulations state that the letters on EXIT signs must be not less than 4 1/2 inches high; OSHA regulations state that the letters on EXIT signs must be not less than 6 inches high. Yours would have to be not less than 6 inches.
 - o SED regulations say fire extinguishers must be available within 120 feet of any point in a building corridor; OSHA regulations say fire extinguishers must be available within 75 feet travel distance (50 feet in some cases). Yours would have to meet latter requirements.
 - o A detailed, time consuming review of Federal standards would produce a multitude of similar differences.
3. Employees or union representatives could make anonymous complaints as frequently as they wish. The Labor Department would be required to inspect the violation complained of "forthwith" (§27a, subdivision 5a, lines 41-43).
 4. Once on the premises, an inspector could check anything he wanted for violations. It would be open season on the school district (§27a, subdivision 5c, lines 50-54).
 5. Employees would be specifically protected against discipline or discrimination for filing complaints, no matter how malicious, frequent or frivolous these complaints might be (§27a, subdivision 10a, lines 17).
 6. The only way school districts could avoid complying with all federal OSHA standards - even if existing standards are as good or better - would be to seek a variance from the head of the State Labor Department (the Industrial Commissioner). This involves expensive legal assistance to fulfill detailed requirements (§27a, subdivision 8a,b,c,d).
 7. Even if the variance is granted, even permanently, any employee or his union agent could seek after six months to have it revoked or modified, and could continue to seek to have it revoked or modified continually thereafter (§27a, subdivision 8c).
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9. Although employers could apply for grants for 75 percent of the capital cost of changes necessary to comply with an order issued by the Industrial Commissioner, the State Occupational Safety and Health Hazard Abatement Board would NOT have to award the grant, even though the school district WOULD have to spend the money (§27a, subdivision 14a,b,c,d).

10. School districts at or close to their debt and tax limits would be required to make ordered capital expenditures, whether or not the voters approved and whether or not educational programs had to be undermined in the process.

* * * * *

In 1979, the State Labor Department declared that the Education Commissioner's safety and health regulations were as good as, if not superior to the Federal OSHA standards.

* * * * *

1. Full Funding. Any district that is making capital changes to comply with SOSHA standards should be entitled to at least 75 percent state aid.
2. Costs of non-capital projects should be eligible for funding.
3. Frivolous complaints and/or lawsuits by employees and unions should be clearly prohibited.
4. Allowances for alternatives to OSHA requirements should be made.
5. Employees, as well as employers, should share responsibility for insuring safe, healthful conditions.
6. Existing school buildings and those currently under construction should be excluded from coverage by SOSHA.

MONTICELLO CENTRAL SCHOOL DISTRICT
MONTICELLO CENTRAL SCHOOL
Monticello, New York 12701

Office of Dr. Robert J. Kaiser
Superintendent of Schools
Administration Building
Monticello, New York 12701

JUN 20 1980

June 18, 1980

The Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York 12224

Dear Mr. Brown:

This letter is being written on behalf of the Monticello Central School Board of Education concerning A11968 and S9163-B which were both passed last week and sent to Governor Carey for his ratification. The Board believes that this OSHA concept is an unnecessary mandate on all public employers. However, if these bills become law there is need for clearing up ambiguities and for the resolving of other issues brought up concerning these bills. These issues are as follows:

1. Costs of non-capital projects should be eligible for funding.
2. Frivolous complaints and/or lawsuits by employees and unions should be clearly prohibited.
3. Allowances for alternatives to OSHA requirements should be made.
4. Employees, as well as employers, should share responsibility for insuring safe, healthful conditions.
5. Relief should be provided to those employers who are ordered to comply, yet find that state appropriations for that year have been used up.
6. Provision should be made to fund those projects voluntarily entered into by the employer prior to being cited.

The Monticello Central School Board of Education urges that you remind Governor Carey to emphasize that the problems stated above must be addressed and that the existing ambiguities be cleared up for the bills to be effective.

Sincerely yours,

Robert J. Kaiser

Robert J. Kaiser
Superintendent of Schools

STATE LEGISLATIVE NETWORK

JUN 9 1980



NEW YORK STATE SCHOOL BOARDS ASSOCIATION
111 Washington Avenue, Albany, New York 12210

A-11968
240 Weymouth Drive
Rochester, New York, 14625
June 3, 1980

Mr. Richard A. Brown
Counsel to the Governor
The Capitol
Albany, New York

Dear Mr. Brown:

Re: A-11968 and S-7025 (State Occupational Safety and Health Act)

It appears that these bills are moving rather rapidly through the Legislature and stand a good chance of passage, given the kind of support they apparently are receiving from the public employees' unions. In the minds of school boards and administrators in particular, and the lowly taxpayer in general, with whom I have spoken, these bills should not be signed by the Governor, at least in their present form. Let me point out my concerns, which are shared by others with whom I have discussed this issue, many of whom are not directly involved with public education, but have had considerable experience in the private sector complying with the Federal OSHA. All are taxpayers in the State of New York and all are concerned with the way their tax dollars are spent and the manner in which priorities are set within our State government.

All responsible employers, both private and public, are anxious to establish and maintain safe working conditions for their employees. This is a "given." The intent of this proposed legislation is, therefore, noble in its intent! However, the speed with which it is being pushed through the system belies the seriousness with which representatives of the people treat this rather important issue of employee safety and employer and taxpayer equity. Federal OSHA is under scrutiny at the present time, and one wonders about the wisdom of New York attempting to adopt a State Occupational Safety and Health Act based on a model that is currently held in question. One wonders also why schools as a part of the public sector are not exempt altogether from this kind of legislation. Surely the myriad rules and regulations of the Regents and the Commissioner are a sufficient protection to teachers and other employees of schools and have over the years served all parties well. Rather than to include schools, it seems more sensible, less duplicative, and more economic to exclude them and continue to enforce regulations already in place. Clearly many unnecessary tax dollars would be saved by such a move. An unlimited right to complain anonymously, which I understand is a part of the proposed legislation, poses the possibility of opening the flood gates for continuous and persistent harassment of boards of education. Can you imagine the additional cost to the taxpayers both in dollars and in administrative time to put out these pesky, little fires? In times when localities are being called upon to shoulder an increasing tax load for the support of

Mr. Richard A. Brown

June 3, 1980

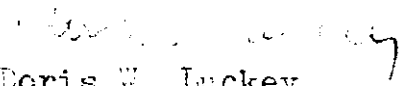
A-11968 and S-7025 (State Occupational Safety and Health Act)

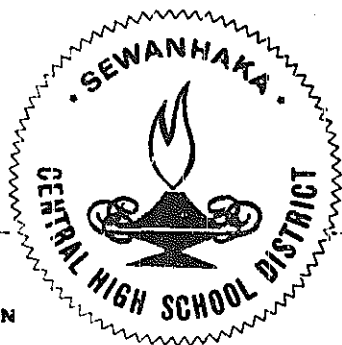
public education, it appears irresponsible to ask them to assume an additional tax burden just, for example, to increase the size of the letters on EXIT signs to meet Federal standards, a questionable safety and health benefit! The additional red tape and paper work necessitated by enactment of this legislation would result in still another diversion of school tax dollars from their stated purpose: education of the youth of our State.

I was in Albany in mid-May and heard from legislators and the Governor's advisors alike, that there would be no more money coming for public schools. It is difficult for me to reconcile this "economy" mood of just a few short weeks ago with this SOSHA proposal, which would obviously be very costly to our schools, would have a direct negative impact on the local property taxpayer, and would have no beneficial effect on the education of our children, nor on the critical economic condition of the State. The time is long overdue to reorder our priorities for government spending.

Please consider these comments as you advise the Governor on the particulars of this legislative proposal. Although this is not an election year for him, many voters throughout the State will be monitoring his response to issues of this kind. We sincerely hope that he will take the action that will be right for our public school system, fair to local taxpayers and of benefit to the children for whose education we are responsible, and not allow this kind of legislation to become law.

Very truly yours,


Doris W. Luckey
State Legislative Network



CE-11968

CENTRAL ADMINISTRATIVE OFFICES

ELMONT • FLORAL PARK • FRANKLIN SQUARE • NEW HYDE PARK

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ADDRESS:

ELMONT MEMORIAL HIGH SCHOOL • 555 RIDGE ROAD • ELMONT, NEW YORK 11003

June 6, 1980 JUN 13 REC'D

The Hon. Hugh Carey
Executive Chamber
State Capital
Albany, New York 12224

Dear Governor Carey:

It is my understanding that legislation has been introduced (A-11968) that would extend federal Occupational Safety and Health Administration standards to public employment. I am writing as President of the Sewanhaka Central High School District Board of Education to urge that you publicly take a stand in opposition to this latest piece of legislative madness.

Once again legislation has been introduced that would impose mandates upon school districts resulting in significantly increased costs without providing the necessary money. I am aware that some state grants would be available, but the remaining burden would be upon school districts. This includes unaided capital projects, as well as administrative and legal costs. May I point out the commitment that has previously been made to avoid imposing additional costs upon local government unless the necessary funding is provided?

Of equal concern is the inadequately considered requirement that calls for blanket adoption of federal OSHA standards. Surely, you know that many of these are inapplicable to public employment. Surely, you are aware of the obvious inter-agency disputes that would result over control of regulations which may or may not come under OSHA. Finally, you must be aware that many federal OSHA standards are controversial and of questionable validity. For example, consider the absurdity of replacing exit signs because the clearly visible letters are slightly less than six inches high!

It is inconceivable to me that sophisticated legislators cannot see that this law has a potential for use in labor disputes. The unrestrained right to file frivolous complaints with complete anonymity can force public employers into expensive legal action. The resulting expense must be borne by the public.

I am not suggesting that the legislature should permit unsafe conditions to exist for public employees. Clearly, however, there is a need for careful study designed to produce legislation that will achieve the desired result without imposing additional strains on school districts that are already overburdened.

Please do all in your power to oppose this foolish legislation.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Herbst', with a stylized flourish at the end.

Herbert G. Herbst
President, Board of Education

HGH:ks

A11968

New York State Health Planning Commission

EMPIRE STATE PLAZA, TOWER BUILDING, ROOM 1683, ALBANY, NEW YORK 12237

MEMORANDUM

518-474-6416

TO: Honorable Richard A. Brown
FROM: Fredrick I. Miller *F.I.M.*
DATE: June 24, 1980
SUBJECT: A. 11968-A

JUN 26 Recd

RE: AN ACT to amend the labor law, in
relation to the occupational safety
and health of public employees and
making an appropriation therefor

The subject bill amends §27 of the Labor Law to require the State, not presently covered by United States Occupational Safety and Health Act, to furnish a workplace free from known occupational hazards to all State employees. In addition, the bill establishes the New York State Occupational Safety and Health Hazard Abatement Board and requires the State Industrial Commissioner to adopt all safety and health standards promulgated under United States Occupational Safety and Health Act of 1970.

The Commission has no objection to the enactment of this measure.

cc: Dr. Sachs
Dr. Whalen
Dr. McCormack

10 11 100
NEW YORK FARM BUREAU

RT. 9W GLENMONT, NEW YORK 12077
518-436-8495

June 16, 1980

Governor Hugh Carey
Executive Chamber
State Capitol
Albany, New York 12224

RE: A.11968, Opposition to Adoption of OSHA Regulations for
Public Employees in New York

Dear Governor Carey:

The New York Farm Bureau opposes A.11968, which extends federal safety and health standards of the private sector to public employees in New York. Although we support the goal of reducing employment related injuries and accidents, we do not feel that extending federal OSHA regulations to public employee work places in New York will aid in this goal.

The Occupational Safety and Health Act adopted by Congress in 1970 for employees in the private sector has not significantly reduced job related injuries. A study released by the U.S. Senate Governmental Affairs Committee recommended, "Rather than continue on the course of its first seven years, we would argue, OSHA (Occupational Safety and Health Administration) should be disbanded." The study also stated with regards to the abolishment of OSHA, "Safety and health in the work places would not suffer measurably, significant private and government resources would be saved, and an agency perceived primarily as a tool of government harassment would be eliminated by abolishing OSHA." With an act having as questionable a record as OSHA on the federal level, we find little justification for extending OSHA regulations to public employees in New York. Other studies also indicate that OSHA has not resulted in safer work areas, with the serious injury rate increasing not decreasing since enactment of OSHA.

Enactment of this legislation will constitute an additional mandated cost on counties, towns, villages and school districts, both for improvements which may be covered partially by state funds, and administrative costs which will not be aided by state funds.



The Key to Better Farm Living

Governor Carey
June 16, 1980
Page 2

Considering the failure of OSHA to provide for increased safety, the increased state and local cost resulting with passage of this proposal, and increased bureaucracy necessary to implement it, we urge your opposition to A.11968.

Thank you for your concern.

Sincerely,



Robert A. Smith
Associate Director
of Public Affairs

RAS/jam

A. 11968-A

MAYOR G. LAURENCE WHITE
PRESIDENT MASSENA
MAYOR HERBERT D. BREWER
VICE PRESIDENT ONEIDA
MAYOR STEVEN B. CARLSON
VICE PRESIDENT JAMESTOWN
MAYOR ERASTUS CORNING 2ND
ALBANY
MAYOR ALFRED J. LIBOUS
VICE PRESIDENT BINGHAMTON
MAYOR DALTON R. MILLER
VICE PRESIDENT HEMPSTEAD
MAYOR RONALD J. CANESTRARI
COHOES



N. Y.

CONFERENCE OF MAYORS and Municipal Officials

119 WASHINGTON AVE. • ALBANY, N.Y. 12210 • TELEPHONE: (518) 463-1185

GORDON C. PERRY, Ph.D.
EXECUTIVE DIRECTOR

JUN 20 1980

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WAVEPLY
MAYOR JAMES E. LETTIS
ONEONTA
MAYOR ELEANOR A. SIMPSON
OLD WESTBURY
MAYOR ROBERT G. GARDNER
WELLSVILLE
MAYOR PAUL W. LATTIMORE
AUBURN
MAYOR ROBERT J. PEACOCK
LAKE PLACID

JOHN H. GALLIGAN
MUNICIPAL PROGRAM SPECIALIST
CECILIA M. TYMANN
MUNICIPAL PROGRAM SPECIALIST
ROSE E. MUTH
MUNICIPAL PROGRAM SPECIALIST

DONALD A. WALSH
GENERAL COUNSEL
DONALD F. LARSON
COUNSEL

June 19, 1980

Hon. Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Re: A. 11968-A, by Rules

Dear Judge Brown:

The Conference of Mayors opposes this bill, well-knowing that the Governor, in his Message to the Legislature on January 9, 1980, indicated that he favored making the federal OSHA regulations applicable to public corporations. We feel that the Governor is going to sign the bill and that we therefore must accept a bill that will impose unrealistic costs upon the taxpayers and will result in no noticeable increase in safety for municipal employees.

Local government officials feel left out of the development of this OSHA legislation. The newspapers implied that the bill was drawn by the unions and accepted by the Legislature and the Governor. The method by which the bill was drawn and passed really does offend local officials. It is no wonder that there appears to be a rift developing between local officials and the state government.

Having made such statements to express our views on the development and passage of an OSHA bill, we wish to call attention to the fact that the Conference of Mayors offered constructive amendments to the bill that were worthy of consideration. In fact, we believe that if we could have gotten union officials to listen to our proposals, they may have accepted them.

This writer also believes that there is a gross error in the estimation of the cost of compliance with OSHA. We feel that the Department of Labor is terribly and tragically wrong in its estimates of cost and effect. In the event we are right, then the union proponents of OSHA will be hurt the most, because the added

Hon. Richard A. Brown
Re: A. 11968-A
June 19, 1980
Page Two

mandated costs will result in a retrenchment in local government and a reduction in jobs and services.

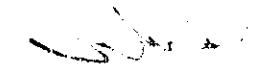
Hence, it is our hope that the communication gap that obviously now exists between state and local governments on OSHA be closed, lest both face crushing costs in the future and the ultimate financial crunch at a time when both state and local governments are in need of money.

We in the Conference of Mayors offer our cooperation to the Governor's office in the revision, implementation and monitoring of the OSHA regulations. We want to establish close ties with the program so that we can work with the Executive Department and the Legislature in the event there is a massive compliance cost. We therefore stress the need for the development of some type of liaison vehicle by which there can be a close monitoring of the program before costs become too oppressive. The Conference of Mayors pledges its cooperation in this regard.

In conclusion, we restate our opposition to the approval of this bill. In the event the bill becomes law, we urge the serious consideration of our amendments and the development of some type of oversight committee to review the application and cost-effectiveness of the program.

We attach for your information our position paper on OSHA.

Sincerely yours,



DONALD A. WALSH
General Counsel

DAW/es

Enclosure

Salmon River Central School District

Fort Covington, New York 12937

A 11968

Robert B. Lewis
Superintendent of Schools

Gerald W. Rufa
District Clerk & Business Manager

Telephone: (518) 358-2215

June 6, 1980

JUN 9 1980

The Honorable Hugh L. Carey
The Capitol
Albany, New York 12224

Dear Governor Carey:

In a time when more school budgets are being defeated than before, tax levy in every district increased substantially (Salmon River Central-20%) and still cuts are being made in every program possible - yet A11968 regarding Occupational Safety and Health Act is being positively considered by legislators.

No way should this bill be passed. We can hardly replace and keep up with the present maintenance and operation of our facilities without additional expense for non-essential items as are included in A11968.

It will: 1) increase paperwork, 2) add costs for legal counsel and litigation, and 3) add capital and non-capital expenditures to an already burdened public.

Additional fire extinguishers, enlarged exit signs, and excesses in Occupational Safety and Health Act standards over our own State Standards are all expensive and needless items.

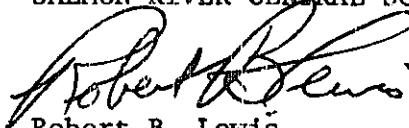
The 800 plus pages of federal Occupational Safety and Health Act standards plus construction standards and several other specialized sets of standards do not change the 1979 State Labor Department clarification that the Education Commissioner's safety and health regulations were as good as, if not superior to, the Federal Occupational Safety and Health Act Standards.

Please use your influence to defeat this bill.

Thank you.

Sincerely,

SALMON RIVER CENTRAL SCHOOL



Robert B. Lewis
Superintendent of Schools

RBL/pam

Attach. (1)

1. SED regulations say fire extinguishers must be available within 120 feet of any point in a building corridor; OSHA regulations say fire extinguishers must be available within 75 feet travel distance (50 feet in some cases). Yours would have to meet latter requirements.
2. A detailed, time consuming review of Federal standards would produce a multitude of similar differences.
3. Employees or union representatives could make anonymous complaints as frequently as they wish. The Labor Department would be required to inspect the violation complained of "forthwith" (§27a, subdivision 5a, lines 41-43).
4. Once on the premises, an inspector could check anything he wanted for violations. It would be open season on the school district (§27a, subdivision 5c, lines 50-54).
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6. The only way school districts could avoid complying with all federal OSHA standards - even if existing standards are as good or better - would be to seek a variance from the head of the State Labor Department (the Industrial Commissioner). This involves expensive legal assistance to fulfill detailed requirements (§27a, subdivision 8a,b,c,d).
7. Even if the variance is granted, even permanently, any employee or his union agent could seek after six months to have it revoked or modified, and could continue to seek to have it revoked or modified continually thereafter (§27a, subdivision 8c).
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10. School districts at or close to their debt and tax limits would be required to make ordered capital expenditures, whether or not the voters approved and whether or not educational programs had to be undermined in the process.



BOCES SOUTHERN WESTCHESTER

BOARD OF COOPERATIVE EDUCATIONAL SERVICES

17 BERKLEY DRIVE, PORT CHESTER, NEW YORK 10573

914-937-3820

Board of Education:

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HECTOR G. DOWD
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JUDITH R. WIENER

RICHARD LERER
Superintendent

June 20, 1980

Clerk of the Board
GRACE STIPO

JUN 24 REGD

Hon. Hugh Carey, Governor
State of New York
Albany, New York 12224

Re: A11968-A and
S9163-B

Dear Governor Carey:

The above OSHA bills have passed in the Assembly and Senate respectively. There are obvious ambiguities in the amended bill passed by the Assembly.

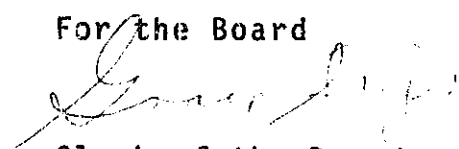
This BOCES continues to oppose the concept of OSHA as being an unnecessary mandate on all public employers.

Should the above bills become law after the ambiguities are removed, other issues are raised all of which will require amendments to the above bills:

- (1) Costs of non-capital projects should be eligible for funding
- (2) Frivolous complaints and/or lawsuits by employees and unions should be clearly prohibited.
- (3) Allowances for alternatives to OSHA requirements should be made
- (4) Employees, as well as employers, should share responsibility for insuring safe, healthful conditions
- (5) Relief should be provided to those employers who are ordered to comply, yet find that State appropriations for that year have been used up.
- (6) Provision should be made to fund those projects voluntarily entered into by the employer prior to being cited.

We appreciate your careful consideration before signing into law an additional mandate upon hard-pressed school districts without full funding by the State. Thank you for your consideration.

For the Board


Clerk of the Board

gs

PARTICIPATING SCHOOL DISTRICTS: ANDSLEY, ARMONK, BLIND BROOK, DOBBS FERRY, EASTCHESTER, EDGEWOOD, ELMSFORD, ABBOTT SCHOOL, GREENBURGH CENTRAL, CHILDREN'S VILLAGE, GRAHAM SCHOOL, ST. CHRISTOPHER'S, HARRISON, HASTINGS, HAWTHORNE CEDAR KNOLLS, IRVINGTON, BLYTHEDALE, MT. PLEASANT CENTRAL, MT. PLEASANT-COTTAGE SCHOOL, PELHAM, PLEASANTVILLE, POCANTICO HILLS, RYE CITY, RYE NECK, SCARSDALE, TARRYTOWNS, TUCKAHOE, VALHALLA

American Federation of State, County & Municipal Employees, AFL-CIO

140 PARK PLACE - NEW YORK, N.Y. 10007

Telephone: 766-

district council

37

JOSEPH ZURLO
President

June 25, 1980

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Associate Directors

Edward J. Maher
Lillian Roberts

**Deputy to the
Executive Director**

Al Bilik

Honorable Richard Brown
Counsel to the Governor
State Capital Building
Albany, New York

Dear Sir;

We are writing you at the behest of the 115,000 New York City employees, District Council 37 represents. We are asking that you urge the Governor to sign the Public Employee Conference OSHA bill, 11968-A and 7025-S.

The signing of the bill will rectify the inequitable application of present safety and health laws. Also, the signing of the PEC OSHA bill would ensure that our members would no longer be treated as 'second class citizens' in regards to their safety and health problems.

We are urging you to seriously consider our request.

Sincerely yours

James Ducker
James Ducker

Safety Director

Carrie Alston
Carrie Alston

Safety Coordinator

Lee Clarke
Lee Clarke

Safety Coordinator

6-729 R 11968
MEMORIAL SLOAN-KETTERING CANCER CENTER

1275 YORK AVENUE, NEW YORK, NEW YORK 10021

section 6119

212-794-8454

June 26, 1980

Honorable Richard A. Brown
Consel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

RECEIVED AFTER ACTION
JUL 1 1980
NEW YORK
COVERED

Dear Sir,

I am writing to you to make known my feelings about two vitally important and advanced pieces of legislation that are on Governor Carey's desk awaiting his approval. These are S7025-A11968, extending OSHA coverage to Public Workers in the state of New York, and S8717-A7103D, covering regulation of toxic substances in New York.

I wish to record myself as adamantly in favor of this legislation.

As a cancer researcher I know that 90% of cancer is caused by factors in the environment, and in industrial societies these are particularly the products produced by industry. Furthermore, suggestive evidence points the way toward indicating that perhaps 40% of all cancer in the U.S. could be due to workplace exposures to toxic agents. I teach a course at the N.Y. State School for Industrial and Labor Relations entitled "Cancer Prevention for Trade Unionists". One of the most valuable tools for prevention would be the right of workers to know what they are exposed to, and that taking measures to protect themselves from exposure would have the support of law. Some might say, we cannot afford costly new regulations in this time of economic trouble. I say we cannot afford to not have such regulations. The cost of cancer to society is indeed considerable---and growing. This legislation will not create costly new bureaucracies, so much as it will help create the tools for people to protect their own health.

Thus, allowing public workers the protection of Federal Standards (which is increasingly mandated by law), and Federal guarantees of process, merely is part of the current effort to give people the means to improve their own health, and thus reduce the aggregate health bill of our society (let me point out that cancer is the most expensive disease to treat, as well as costing loss of working years, and furthermore, that both these costs are not born by individuals alone, but are, in fact, aggrandized through society). The toxic substances legislation should be a beacon to other states, and to the federal government (which is considering similar legislation). Let New York lead the way here. Others must soon follow, and the Governor must realize this is good politics. This second legislation gives workers who I and others train through unions and schools the means to protect themselves from noxious agents, and through these actions to protect the environment. It is simply protection for a kind of mass whistle blowing which would help us prevent further Love Canals.

Hoping you appreciate these arguments, I am

Sincerely yours

Dr. Allen E. Silverstone
Associate, and Asst. Prof.
Cornell Medical School.



June 23, 1980

Memorandum to the Governor regarding Assembly Bill No. 11968-A
by the Committee on Rules, entitled "An Act to amend the
labor law, in relation to the occupational safety and
health of public employees and making an appropriation
therefor"

This bill amends the labor law to establish a program for occupational safety and health in the workplace for employees of New York state and its political subdivisions.

In New York State almost one million employees of the state, local governments, and agencies work without the protection of any health and safety law. The state employees' accident rate is more than 30% higher than that in the private sector. Disease and illness rates are also elevated. Because these rates translate themselves into production loss, wage loss, medical expenses and disability compensation, the fiscal implications of workplace injury and illness cannot be ignored. New York State taxpayers and public employees are forced to bear the economic and social costs of employer negligence in health and safety matters. This negligence drains the state of its economic and human resources. Because of the present and ever-growing cost of accident and disease, immediate and effective legislative action is required.

This legislation would require public employers to invest some money to reduce the already great expenditures they are making for workers' compensation, disability payments and tort claims. The fiscal restraints of the smaller public employers are recognized by the creation of a Hazard Abatement board. The board will have the power to use a pool of about \$15 million to fund 75% of the capital abatement costs of employers who qualify for funding from the board.

It is unconscionable for any employer to allow workers to be injured, maimed or killed in occupational accidents that are preventable through the use of reasonable safety standards. It is also discriminatory for any government mandating health and safety standards in the private sector to deny its own employees equal

Memorandum to the Governor re: A-11968-A

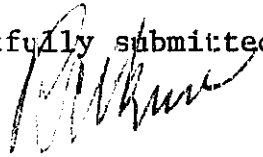
Page 2

June 23, 1980

protection by these standards. There is no justification for public employees' health and safety to be less worthy of protection than that of other workers. Enactment of this legislation will greatly reduce public employees' accident rates and save public employers money.

The New York State United Teachers strongly urge your approval of this bill.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. Skuse", is written over the words "Respectfully submitted,".

Raymond C. Skuse
Director of Legislation

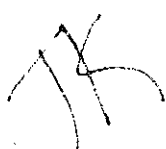
A-11968

BOARD OF COOPERATIVE EDUCATIONAL SERVICES

OF DUTCHESS COUNTY

R.D. 1 - SALT POINT TURNPIKE, POUGHKEEPSIE NEW YORK 12601

Phone: Area Code (914) 471-9200


DONALD F. RIELLE
DISTRICT SUPERINTENDENT

June 25, 1980

The Honorable Judah Gribetz
Counsel to the Governor
Executive Chamber
State Capitol
Albany 12224

Dear Mr. Gribetz:

Component
Members

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MILLBROOK
PAWING
PINE PLAINS
POUGHKEEPSIE
RED HOOK
RHINEBECK
RHINECLIFF
SPACKENKILL
WAPPINGER
WATKINS

On behalf of the Dutchess County Board of Cooperative Educational Services we wish to express our strongest objection to Bill #A11968 introduced May 28, 1980 and amended and passed on June 10, requiring all public employers to come under the State Occupational Safety and Health Act (SOSHA).

In view of the current economic condition facing the school systems and the escalating costs of energy, operations, employee contracts, etc., the passage of this bill could create expenses beyond comprehension.

This Bill will require school districts to establish a new support administrator mechanism to handle the compliance requirement, incur additional costs for legal counsel and litigation, capital and non-capital expenditures and create a number of unwarranted problems.

In fact, in 1979 the State Labor Department declared that the Education Commissioner's safety and health regulations were as good as, if not superior to the federal OSHA standards.

This Bill requires the adoption of all 800 plus pages of the Federal OSHA standards, plus construction standards and several other specialized sets of standards. Since the adoption of the Federal OSHA in 1971, there has been many lawsuits by private industry questioning the legality of mandated requirement, employee complaint procedures, etc. In fact, there are current court proceedings pending. Many of their compliance regulations

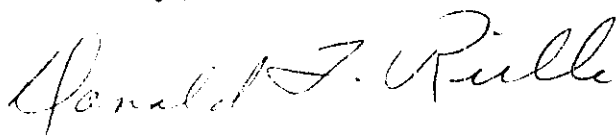
JUN 27 1980

have been altered significantly as a result of lawsuits by private industry. We don't feel the taxpayers of New York State should sustain this kind of financial burden. Therefore, we urge you to support the following significant modifications to the SOSHA Bill #11968, to eliminate the major financial burden placed upon the school districts by this piece of legislation

1. Full Funding. Any district that is making changes to comply with SOSHA standards should be entitled to at least 75 percent state aid.
2. Costs of non-capital projects should be eligible for funding.
3. Frivolous complaints and/or lawsuits by employees and unions should be clearly prohibited.
4. Allowances for alternatives to OSHA requirements should be made.
5. Employees, as well as employers, should share responsibility for insuring safe, healthful conditions.
6. Existing school buildings and those currently under construction should be excluded from coverage by SOSHA.

Thank you for your cooperation.

Sincerely,

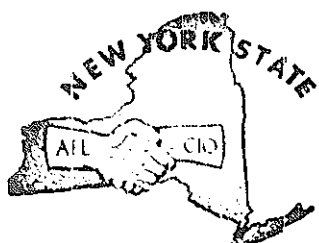


Donald F. Rielle, P.H.D.

DFR:sea

JUN 27 1968

5-7025



NEW YORK STATE AFL-CIO

99 WASHINGTON AVENUE (Suite 805)

• ALBANY, N. Y. 12210

• PHONE 436-8516

RAYMOND R. CORBETT
President



E. HOWARD MOLISANI
Secretary-Treasurer

LUDWIG JAFFE
Director of Legislation

JUN 17 1980

MEMORANDUM

ENDORSE

1980

S.7025
Flynn, et al
Calendar No. 1556

A.11968-A
Rules Committee
(Barbaro, et al)
Calendar No. RR 209

The New York State AFL-CIO expresses its unqualified support for this bill that establishes an occupational safety and health program for public employees in New York State.

Since the enactment of the Federal OSHA for private employees, organized labor represented by the New York State AFL-CIO has been consistent in its demand for extension of the Federal OSHA standards for public employees. In our resolutions and public statements, we have emphasized time and again our belief that the public employer has an obligation to provide a safe and healthful workplace for its employees comparable to the obligations of employers in the private sector and thus set an example in safety.

We are satisfied that the bill in question brings us close to this objective by extending to public employees the standards now applicable to employees in the private sector in this State under OSHA in order to provide reasonable and adequate protection to the lives, safety and health of public employees.

It is a comprehensive and well-conceived bill. Its enactment will be a long step down the road toward a safe and health workplace for public employees and perhaps the most important piece of labor legislation to pass in this Legislature.

#

opeiu-153J
5/30/80

American Federation of State, County & Municipal Employees, AFL-CIO

140 PARK PLACE NEW YORK, N.Y. 10007

Telephone: 766-

JUN 26 1980

JK district council

37

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Edward J. Maher
Lillian Roberts

**Deputy to the
Executive Director**

Al Bilik

June 24, 1980

Hon. Richard A. Brown
State Capitol
Albany, NY

Dear Sir:

As a safety and health professional, my paramount concern is preventing job-related accidents, illnesses, and deaths. No existing piece of legislation goes as far in protecting the lives, health and safety of public employees as S 7025, now before Governor Carey. I strongly urge swift and positive action on this bill.

The proposed amendment of the labor law to extend occupational safety and health coverage to public employees is a big step forward in putting them on equal footing with private sector workers. Like workers in the private sector, public employees encounter serious --and sometimes life threatening-- safety and health hazards on the job. Employees of the State and its subdivisions are distinct, however, in so far as they do not have a legal right to a safe and healthful working environment.

As they perform almost every conceivable public service, members of my union, DC 37 AFSCME, as well as city workers represented by other unions, perform jobs that unfortunately entail exposure to many safety and health hazards. Stationary firemen in New York City's boiler rooms are losing their hearing because of excess noise levels on the job. Asbestos plagues Transit Authority maintenance workers. Without the benefit of proper equipment and training, tree sprayers handling pesticides suffer skin rashes, burns, stomach disorders, and even brain damage. Cancer of the lungs and digestive track are specters haunting hospital laundry room workers who breathe cotton fibers--no less severe than mill workers in the Carolinas. This list is by no means exhaustive: numerous, severe hazards are commonplace for the city worker.

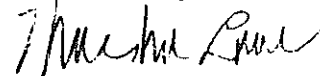
The actual magnitude of the problem is somewhat illusive because the City keeps no systematic record of accidents and illnesses. Workers' Compensation program records, however, indicate that the accident rate is high. In 1977, city employees suffered an accident rate four times higher than that of all private sector employees, and 1.2 times higher than coal miners!

The Workers' Compensation program records also indicate that the lack of legal protection for safety and health costs the City plenty. In 1976, the latest date for which data is available, the City paid some \$21 million in Workers' Compensation claims, and about \$57 million for disability retirements. If one adds the indirect costs of hiring replacement workers for those out with injuries, the total cost to the city falls between \$50 million and \$100 million per year.

I am certain that the piece of legislation before Governor Carey affords the labor movement a chance to correct this deplorable situation. Our department will use the legislation to train employees in safe work practices, and in hazard recognition and control. Establishing legal standards and record keeping procedures makes our safety and health training efforts at DC 37 more meaningful because the goals are realizable, rather than the difficult situation we face with out legal protection.

The cost of delivering city services measured in lives and health is intolerable; the cost to the taxpayer is exorbitant. The best way for Governor Carey to address these pressing issues is to sign S 7025 into law.

Sincerely,



Marsha Love

Director, DC 37 OSHA Project

ML/mg



New York State
Association
of COUNTIES

JK A-11968
150 STATE STREET ALBANY, NEW YORK 12207 (518) 465-1473

June 20, 1980

William P. Collins
St. Lawrence

Edwin L. Crawford

Herman S. Geist

Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York 12224

Dear Mr. Brown:

Peter Q. Eschweiler
Westchester

George Arney
Wayne

Joseph Gerace
Chautauqua

James Van Auken
Rensselaer

I am writing at this time to strongly urge that Governor Carey veto bill number 11968-A, the public employees occupational safety and health bill. Knowing full well that the Governor shares our concern for the health and safety of our public employees, we must, nevertheless, express our opposition to this particular bill and to the manner in which it was enacted.

Joseph R. Bala
Erie

Joseph F. Griffo
Livingston

Heien W. Gurvitch
Rockland

A. W. Hequembourg
Saratoga

David Kaufman
Sullivan

Dorothy E. Kotel
Lewis

Jacien A. Morin
Monroe

Maure Nolan
Suffolk

Walter J. Tennant Jr.
Cortland

Margaret L. Weiss
New York City

Our specific objections to 11968-A have been expressed before but bear repeating. We object to the wholesale implementation of the questionably effective Federal OSHA standards, to the inspection and complaint procedure, which is clearly conducive to employer harassment, and to the still inadequate level of funding, which will not begin to address the capital and operating costs of compliance.

In addition, and more specifically, we sight additional deficiencies in the bill now before you:

1) There is absolutely no way that a local municipality can voluntarily comply with this legislation and make an application for the state funding for capital abatement. The legislation specifically provides that an application for funding can be made only after the commissioner of labor has cited the public employer for violations of the new health and safety code. Certainly some methods should be provided whereby localities can voluntarily comply, and with the consent of the commissioner of labor, file an application for the 75% state funding.

Patrick L. Gizio

Melissa Devine

June 20, 1980

2) It is also evident in the legislation that the so-called "permanent variance" is not permanent at all. The legislation specifically mentions that such a variance can be reviewed after 6 months. A public employer will be reluctant to spend local and state monies on any project resulting from a so-called permanent variance.

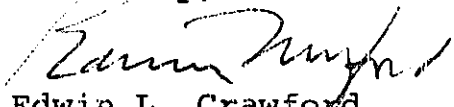
3) Although the legislation was amended in the Assembly, there is still a question as to whether the funds are entitlement monies or in affect grant monies for municipalities. Proceeding on the Assembly/Senate theory that municipalities are entitled to the funding, any conditions pertaining to such funding should be eliminated and the sole criterion for funding would be whether the project was capital abatement work necessary to bring the local municipality into compliance with the safety and health standards.

4) For the reasons outlined above and elsewhere in this memorandum, we feel that the subject legislation was adopted in haste prior to the close of the session. In view of the fact that the Legislature will be returning in the near future, this would be an excellent opportunity for a redrafted bill to be submitted to the Assembly and the Senate. Otherwise, numerous chapter amendments will be required in order to make the legislation workable for local municipalities.

We also have serious objections to the extremely limited opportunity that was provided for employer groups such as ours to influence the direction and the particulars of a program which so pervasively impacts upon our local jurisdictions. We are, and have always been, at your service should you wish to allow our local governments to play a role in designing a program which realistically addresses our employee health and safety problem without placing an undue financial hardship upon our taxpayers. The most significant element of such a program would be a period of voluntary compliance, supplemented by technical and financial assistance from the state.

Again, we urge the Governor to veto this legislation and work with all parties concerned in the interest of both our employees and our taxpayers to arrive at a reasonable solution to this problem.

Sincerely,


Edwin L. Crawford
Executive Director

Office of Counties

NEW YORK STATE

SCHOOL BOARDS ASSOCIATION

119 Washington Avenue, Albany, New York 12210 • (518) 465-3474



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BERNARD I. McGIVERN
Counsel

HARVEY MANDELKERN
Deputy Counsel

NORMAN H. GROSS
Associate Counsel

June 19, 1980

The Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York 12224

Dear Mr. Brown:

From the outset, the New York State School Boards Association has opposed the concept of OSHA as being an unnecessary mandate on all public employers. Working in concert with other public employer organizations, we presented several serious concerns we had to the original bill, A 11968. As stated in meetings with representatives of the leadership of both houses and the Governor's office, the concerns included the following:

1. Full Funding. Any district that is making capital changes to comply with SOSHA standards should be entitled to at least 75 percent state aid.
2. Costs of non-capital projects should be eligible for funding.
3. Frivolous complaints and/or lawsuits by employees and unions should be clearly prohibited.
4. Allowances for alternatives to OSHA requirements should be made.
5. Employees, as well as employers, should share responsibility for insuring safe, healthful conditions.
6. Existing school buildings and those currently under construction should be excluded from coverage by SOSHA.
7. Relief should be provided to those employers who are ordered to comply, yet find that state appropriations for that year have been used up.
8. Provision should be made to fund those projects voluntarily entered into by the employer prior to being cited.

The amended bill which is before the Governor, A 11968-A, includes two changes which, according to the sponsors as stated during the debate, are intended to (1) exclude existing school buildings from coverage, and (2) provide entitlement for funding of capital projects. The first is in §27-a-2.

The Honorable Richard A. Brown

June 19, 1980

". . . However, this section shall not supersede any inconsistent provision of the education law, as applied to any school building certified by the commissioner of education as being in compliance with such law, and the regulations promulgated pursuant thereto, on the effective date of this section, or as applied to any application for certification which is pending before the effective date of this section."

The latter is §27-a-14:

". . . The board shall fund seventy-five percent of the cost of any capital abatement project necessary to comply with an order issued by the industrial commissioner pursuant to the provisions of this section."

Because of these changes, this Association views the amended bill as being preferable to the original, although we continue to stress the need for further amendment to accommodate the remainder of the objections of public employers. It should be noted that none of our objections would lessen attempts to provide safe and healthy environments in which employees would work.

Very truly yours,



STANLEY L. RUB
Executive Director

SLR:Ops



POSITION PAPER

— DECLARATION OF POSITION ON MAJOR ISSUES

SAFETY IN THE WORK PLACE SUPPORTED; OSHA OPPOSED

This legislative session has witnessed an intensive effort by labor unions and public employees to secure the enactment of legislation which would extend safety and health standards of the private sector to public sector work places in New York. While this organization endorses a safety and health program for public employees, it rejects the adoption of the federal standards applicable to private sector employers.

The position of this organization for several years has been one of support for a program of safety and health standards to be used in public work places. Our belief is that the state should adopt standards in response to factors which tend to cause accidents; that a local government should be allowed to substitute an alternative method of achieving the same goal if it can demonstrate the similar effectiveness of its proposal; that the state should offer training sessions for the supervisory personnel of governmental employers to inform and educate these individuals to provide the proper setting for compliance with standards; and that the state fund those substantial costs to be incurred through the strict adherence to safety and health standards. In effect, we ask that the state seek to innovate in an important area which would readily receive the joint cooperation of labor and management rather than blindly accept existing federal safety and health standards.

The safety or danger of public work places can not be clearly identified. Worker's compensation statistics are not reliable since some governmental em-

employers self insure and others seek private insurance coverage for compensation liability. Figures released by the National Safety Council are not representative of governmental employers in New York. National Safety Council statistics are gathered randomly across the nation and, as far as this state is concerned, reflect only the experience of two communities; New York City and the upstate village of Akron. This uncertainty does not lead to a conclusion that there should be no program of work place safety. There should be one but its standards should be relevant and cost efficient.

Why then, the opposition to the federal standards used in the private sector? Simply put, there would be significantly less opposition to those standards if they were, in fact, effective. They are not.

In 1970, the federal government enacted the Occupational Safety and Health Act (OSHA) and provided for its administration by the U.S. Department of Labor. Subsequent to that, there have been issued several thousand pages of regulations with which private employers must comply. The dollars spent by businesses pursuant to OSHA number in the several billions. The annual expenditure for this purpose approaches 5 billion dollars.¹ Against that background of voluminous standards and expenditures, OSHA has been a failure. In examining two statistics which indicate the severity of work place injuries, one finds that the serious injury rate and rate of lost work days has increased more than 21% in the six years ending in 1978, the latest year for which figures are available. The 1978 lost work day injury incidence rate was 4.0 per 100 full time workers, more than 21% higher than the rate for 1973. The number of lost work days per 100 full time workers was 62.1 in 1978, again more than 21% higher than the rate in 1972.² Examination of

¹ "Annual Survey of Investment in Employee Safety and Health", (New York: McGraw-Hill), May 1979.

² U.S. Department of Labor, Bureau of Labor Statistics, press releases, November 21, 1978, p. 5 and November 7, 1979, p. 2.

1972 figures reveals an even higher rate of injuries for the 1972-78 periods. The conclusion is unfortunate: OSHA has not been effective despite extensive regulations to achieve that goal. In the process of that experience, serious injuries and their rate of occurrence increased substantially.

These conclusions are in no way altered by a union sponsored study of the benefits to New York's public employers and employees which would result from the adoption of federal OSHA standards. "Cost Benefit Analysis for a New York Public Sector OSHA Inspection Program" (hereafter referred to as "the study") concludes that adoption of federal OSHA standards by New York for its public work places would save state and local taxpayers millions annually. For the following reasons, that conclusion is erroneous:

- on page six, the author of the study asserts that the effectiveness of occupational safety and health programs have traditionally been measured by injury and illness rates but further asserts that these measures are inadequate. That claim is an attempt to define away the previously cited private sector OSHA experience through 1978. Why has a study of OSHA benefits ignored this obvious failure?
- on page seventeen, the author has accumulated data from the U.S. Department of Labor indicating that over the years 1972-75 there was a reduction in private sector injury and illness incidence rates. The presentation of those statistics again ignores the data with respect to serious injuries in the private sector. The OSHA experience nationwide has witnessed a decrease in the incidence rate for all injuries although that rate in recent years has been increasing. But more importantly, OSHA has not reduced the serious injury rate for the employees it is charged with protecting. In addition, the study, dated February 1980, has not included information for 1976, released by the U.S. Department of

Labor in December 1979, which reveals an increase in injury and illness rates in comparison to 1975. The Labor Department further reveals that in each of the five years from 1972 to 1976, different industries were surveyed. Thus, strictly speaking, one can not compare injury rates over time as the study has presented it.³ The author has failed to acknowledge this limitation and does not identify the source document for his data.

- on page seventeen, the author asserts that this state would have benefited through the adoption of federal OSHA and offers the experience of the State of North Carolina as a bench mark. That analysis is totally invalid unless one is willing to accept a high degree of correlation between such factors as the public employers of each state and the services they provide; employees in each state and their education and training; and working conditions. As the Bureau of Labor Statistics has cautioned, "Although the state incidence rates present a reliable picture of the injury and illness experience of industries within a state, there are inherent limitations of these data for state-to-state comparisons because of the variation in employment patterns among states."⁴
- the study admittedly (page 14) is limited to the state as an employer as it contains numerous conclusions drawn from workers' compensation statistics for state employees. In an attempt to compensate for the lack of comprehensive compensation statistics for political subdivisions the author extrapolates the conclusions made from the state figures to local governments. That may be valid if several factors, among them working conditions, supervision and training of

³ U.S. Department of Labor, Bureau of Labor Statistics, "State Data on Occupational Injuries and Illness in 1976", December 1979, p. 55.

⁴ Ibid., p. 1.

employees, and services delivered are highly similar. There is no question that the state and its local governments in some cases perform similar functions. However, in numerous instances, no such similarity exists. Even where similar functions are performed, there is, more often than not, a difference of degree. For example, highway repair is a function both perform but one for which the state will frequently contract whereas local governments usually will use their employees.

- the study places a heavy reliance for its cost analysis upon previously conducted studies of the State Department of Labor. The latest in 1978, "Political Subdivision Capital Cost Survey for a Public Employee Safety and Health Program", is of questionable reliability with respect to its conclusion of small capital costs for public employers in the event federal OSHA standards were adopted. That conclusion contradicts the actual experience for private sector employers under OSHA.⁵ The State study also deliberately extended some governmental facilities (pp. I-5, II-6, II-10); admitted that capital costs were relative depending upon the size of the employer (p. II -2); and had an extremely small survey sample (pp. II-3,4).

For these reasons, federal OSHA can not be endorsed. An opportunity is clearly presented for the state to innovate a safety and health program to responsibly and effectively achieve the goal of safe workplaces. Public employees deserve no less.

⁵ Ibid., McGraw Hill.

JK

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A-11968-A

June 23, 1980

JUN 24 1980

MEMORANDUM IN OPPOSITION

A 11968-A

Committee on Rules
(at request of M. of A. Barbaro, et al.)

AN ACT to amend the labor law, in relation to the occupational safety and health act of public employees and making an appropriation therefor

Dear Governor Carey:

The above bill is before you for executive action.

The purpose of this bill is to authorize the State Industrial Commissioner to adopt and enforce all safety and health standards promulgated under the United States Occupational Safety and Health Act of 1970 to provide reasonable and adequate protection to lives, safety and health of public employees.

The New York City Board of Education supports the objectives of this bill to provide a work environment that is as free from hazards and risks to public employees as is practicable. Nevertheless, we have a number of concerns about this bill which we would like to bring to your attention:

1. The bill contains language (p. 2, l. 55 -- p. 3, ll. 1-6) to exclude school buildings certified by the Commissioner of Education as being in compliance with the Education Law. This language is inadequate with regard to school buildings in New York City which come within the purview of the New York City Administrative Code (which contains the Building Code, Fire Code and the Electrical Code) and the Health Code. Similar language is requested so that school buildings in New York City that are in compliance with the various codes are exempted.

2. While the bill provides for State funding at 75% for approved capital projects, it imposes a local obligation of 25% in addition to full local funding of projects to correct any violation not funded by the State. In order to assure the success of this legislation and to avoid diversion of local funds from other essential needs, it is essential that full State funding for all projects be provided.

3. The Industrial Commissioner should be required whenever he issues an order to comply to take into consideration such factors as: compliance dates which are possible to achieve economically and physically especially where extensive changes are necessary such as in cases where safety violations result from previously approved methods of construction and/or the use of previously acceptable materials (such as asbestos); the issuance of a permanent variance if compliance with an order would affect the structural soundness of a building; and the scarcity of funds such that orders to comply will concentrate on removal of conditions that are truly dangerous.

4. Further, consideration should also be given to providing protection to the employer from willful harassment by individual employees or groups of employees (i.e., excessive and repeated complaints) and providing opportunity for resolution of complaints before going to the Industrial Commissioner.

It should also be noted that the Federal legislation is being reviewed at present and may be amended (see H.R. 6539, H.R. 6692 and S. 2153). It would be inappropriate for New York State to enact this legislation at this time pending final action by the Federal government.

Accordingly, the New York City Board of Education urges you to DISAPPROVE this bill and urges that the bill be reconsidered as indicated above.

Respectfully submitted,

Joseph G. Barkan
President


by Ludwig Apicigliano
Legislative Representative
(Acting)

The Honorable Hugh L. Carey
Governor of the State of New York
Executive Chamber
Capitol
Albany, New York 12224

A. 11968 A

THE
ASSOCIATION OF TOWNS
OF THE
STATE OF NEW YORK

90 State Street
Albany, N. Y. 12207

Telephone
Area Code 518 — 465-7933 or 465-2015

June 20th, 1980

JUN 23 1980

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His Excellency Hugh L. Carey
Executive Chamber
Albany, New York

Memorandum in relation to
Assembly Bill 11968-A
By Committee on Rules (Mr. Barbaro etc.)

Sir:

This bill adds a new section 27-a to the Labor Law to make applicable all safety and health standards of the U. S. Occupational Safety and Health Act of 1970 (OSHA) to public employers, namely, those of New York state and its subdivisions. This bill requires the Industrial Commissioner to promulgate and enforce these standards, including inspections upon complaint and on his own initiative. Procedure is also made for obtaining a variance, keeping of records and making reports. The bill provides for state aid of 75% of capital costs necessary to correct a violation.

This bill imposes one of the heaviest financial mandates upon towns and other units at a time when economic conditions require retrenchment. Neither the proponents of the bill, nor fiscal analysts are able to offer a reasonably accurate estimate of the potential cost to local governments. The bill was introduced a few days before the end of the 1980 Legislative Session, without adequate opportunity for public employers either to react or to offer constructive changes.

The Association is cognizant of the need to provide safe places of employment for public employees, but it disagrees with the approach used in this bill. Studies of federal OSHA have disclosed that despite the expenditure of billions of dollars by the private sector, the loss of work time due to serious injuries continues to rise.

June 20th, 1980

Page Two

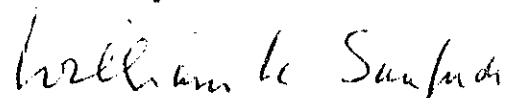
Memorandum in relation to
Assembly Bill 11968-A

This Association, together with the other municipal organizations, in several meetings with the legislative branch, as well as with Counsel's staff, offered constructive suggestions for changes, which would vastly improve this bill, and reduce the impact upon local public employers. Several amendments have already been made in accordance with the previous recommendations. The major suggestions include:

1. The funding should be extended to all major costs, not merely to capital costs;
2. Provision to allow the public employer to offer alternatives to OSHA standards, and place burden in the Industrial Commissioner that they are not adequate;
3. Provision to preclude harassment of the public employer through anonymity; enable public employer to discipline employee on merits, and not permit the complaint process of the bill to shield incompetent employees;
4. Provide funding for voluntary compliance projects, and not only when a violation is found;
5. Improve and strengthen the variance procedure, which under the bill could be changed every six months; include ground for temporary variance when appropriation is inadequate to cover the 75% state share;
6. Require the furnishing to a public employer a copy of the complaint at least 48 hours before inspection;
7. Delay the effective date to allow more time for local fiscal planning.

Several other recommendations have been previously supplied. The Association of Towns is opposed to the bill in its present form and recommends that it be disapproved. It is further recommended that all interested parties be convened to develop a bill that will meet the safety needs of the public employees, and protect the interests of the public employers and their taxpayers.

Cordially



WILLIAM K. SANFORD
Executive Secretary

WKS:mmj:nmb
Enc.

NEW YORK STATE

SCHOOL BOARDS ASSOCIATION

119 Washington Avenue, Albany, New York 12210 • (518) 465-3474

JK



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1980

June 23, 1980

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The Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York 12224

Re: A. 11968-A, State Occupational Safety and Health Act
(SOSHA)

Dear Mr. Brown:

It would be wrong to say that the New York State School Boards Association supports this bill. We believe that SOSHA will prove to be a costly, ineffective and, in some cases, unfunded state mandate on our members. Chapter amendments and/or other changes must be made in SOSHA in order to make it workable. But we recognize that the amended bill is preferable to the original bill in that the former seeks to remedy certain problems which NYSSBA and other public employer groups pointed out in the latter. This letter will point out some of those problems.

One problem with the original bill was its meager funding provisions. Other SOSHA bills that were introduced in this legislative session, notably A. 6619 (Weprin et al), and the Governor's own program bill (#341), would have imposed costly mandates on the state's local governments without providing any funds with which to carry out the mandates. A. 11968 took a step in the right direction by providing for grants to the localities for up to 75% of the capital costs of complying with an "order to comply" issued by the Industrial Commissioner pursuant to §27-a(6). But A. 11968 called only for discretionary grants, which would most likely go only to a few of the state's largest and neediest municipalities.

At the insistence of NYSSBA and other public employer groups, the grant system was changed to an "entitlement" system, i.e., whereby funding at the 75% level must be made any time an employer is ordered to comply with SOSHA, regardless of that employer's financial condition (See §27-a [14][a]). The funds will not be disbursed on a first-come, first-served basis, but rather will go first to help abate the more serious risks. (See §27-a[14][c]).

77
Secondly, because the appropriation made by this bill is small, NYSSBA and other local governments expressed concern that funding for some governments would be delayed interminably, but that in the meantime those governments might be required to expend funds to comply with the "order to comply" as a result of original §27-a(14)(d). This problem has been rectified by an amendment to that paragraph which provides that while an application for funding is pending, the employer need not expend funds to comply with the order, but may instead take less costly self-help measures to minimize alleged hazards e.g. by closing off areas in which the alleged hazards exist or by requiring the use of personal protective equipment, or by variance.

A third potential problem with the bill was the danger that the Hazard Abatement Board's limited funds might be raided by the state government. Under the bill, it might seem that any "employer" could apply for funding, including the state. However, section seven of the bill, which will not appear in the text of §27-a when SOSHA is codified, states the legislature's intent that the fund to be administered by HAB is a "local assistance fund." The sponsors' memo and the legislative debates make it clear that the fund is earmarked for local governments only. Moreover, if the intent was that the state was an "employer" under subdivision 14, neither the 75 per cent funding limit nor the requirement for scrutiny of funding applications by state officials would serve as adequate checks on spending, so it must be inferred that SOSHA's draftsmen did not intend that the state could qualify for HAB funding.

A fourth problem of concern to NYSSBA was the fact that the original bill was drafted by persons who operated under an illusion that the schools were not covered by any safety regulations. This is not true. There may be some broad subject areas, e.g. toxic and hazardous substances generally, that are covered by OSHA but not by the Education Law nor by SED regulations. And certain of the latter provisions do not apply to school districts in cities having 125,000 inhabitants or more. But a significant number of subject areas are now covered by provisions in the Education Law and/or the SED regulations which were found by SLD to be at least as effective as OSHA regulations. These subject areas include asbestos (Education Law, art 9-A), eye safety (Education Law §409-a), mercury vapor lamps (Education Law §409-b), general safety in newly constructed facilities (Education Law §§ 408, 457 and 481, and 8 NYCRR § 155.2), fire safety (Education Law §§ 807 through 807-d and 808 and 8 NYCRR § 155.3), communicable diseases and public health (Education Law Art. 19), building safety (Education Law § 2801), heating, ventilation, sanitation, siting (8 NYCRR § 155.1), means of egress, stairways, accident protection, mechanical, gas, electrical and construction (8 NYCRR § 155.3). As far as these schools are concerned, a State Labor Department study stated, imposing OSHA standards on them would be redundant. (See State of New York, Department of Labor, Political Subdivision Capital Cost Survey for a Public Employee Safety and Health Program [1979], pp II-6 and II-7). Thus, at NYSSBA's request, the bill was amended to exclude existing school district buildings from SOSHA coverage as to the aforementioned subject areas. The exemption is contained in § 27-a[2].

*See
Laws
367*

Remarks made by Senator Flynn and Assemblyman Barbaro, the bill's main sponsors, in the debates on the bill support as broad a reading of the school district exemption as possible.

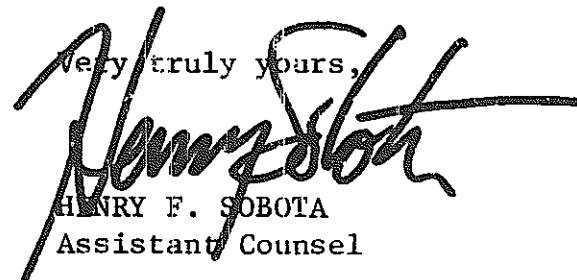
June 23, 1980

Nevertheless, it makes as little sense to apply SOSHA to school buildings to be build in the future as it does to apply it to the existing school buildings. Therefore, NYSSBA will support chapter amendments that will recitfy this problem.

Other problems still exist under this bill. Section 27-a(14) should fund non-capital costs as well as capital costs, and at 100, not 75 per cent. Much more than \$15 million must be appropriated for distribution by the Hazard Abatement Board (HAB). And employers who seek to voluntarily conform their facilities and procedures to SOSHA standards should be entitled to HAB funding — as Section 27-a(14)(a) is now written, the only way an employer can qualify for a funding is to refrain from conforming until a SOSHA inspector orders him to comply. Thus, the bill will actually encourage employers to refrain from complying with SOSHA standards until they are cited for violations.

In addition, improvements must be made in the permanent variance provisions of the bill (§27-a[8][c]) because few employers will invest any substantial amount of money pursuant to that paragraph when their "permanent" variance can be revoked at any time after six months of its issuance. State-financed safety training programs should be provided for supervisors and employees because studies show that the main cause of workplace accidents is not attributable to employers' callousness, but rather to employees' unfamiliarity or carelessness with their equipment or working environments.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Henry F. Sobota", written over the typed name and title.

HENRY F. SOBOTA

Assistant Counsel

HFS/v1

AG 11968

KORNFIELD, REW, NEWMAN & ELLSWORTH

ATTORNEYS AND COUNSELLORS AT LAW

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June 16, 1980

JEROME M. KORNFIELD
THOMAS J. NEWMAN
ROBERT J. ELLSWORTH
ANTHONY J. BENEDICT

FRANK T. SIMEONE
THOMAS J. NEWMAN, JR.
MEMBER OF N.Y. & N.J. BAR

Gerald Crotty, Esq.
Executive Chamber
State Capitol
Albany, New York 12224

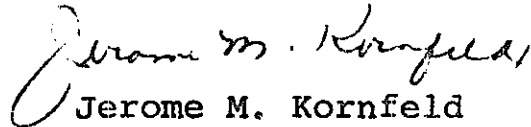
Re: Assembly 11968 by Rules

Dear Jerry:

If your office receives A-11968 by Rules dealing with Osha Regulations for units of local government, including fire districts, please be sure that a request is made of the Association of Fire Districts of the State of New York for a memorandum.

We have some very serious problems regarding the applicability of this bill to volunteer firemen.

Sincerely,


Jerome M. Kornfeld

JMK:sd

7K

A-11968

SHAW, ESWORTHY, O'BRIEN AND CROWLEY
ATTORNEYS AT LAW
123 FRONT STREET - BINGHAMTON, N. Y.
13905

FRANK C. SHAW
JOSEPH W. ESWORTHY
MAURICE P. O'BRIEN
EUGENE F. CROWLEY
DAVID F. CROWLEY

PHONE 607-723-5408

June 19, 1980

The Honorable Richard A. Brown
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York, 12224

Dear Sir:

I write from the vantage point of 30 years experience representing a central school district. I was very much disappointed that the OSHA bill was passed at all and even more disappointed that it did not contain a blanket exemption for school districts. I believe that the public employee unions will use OSHA as an additional lever to obtain more favorable settlements in collective bargaining. This, is, of course, over and above the fact that I do not feel that school buildings need OSHA type supervision or regulation.

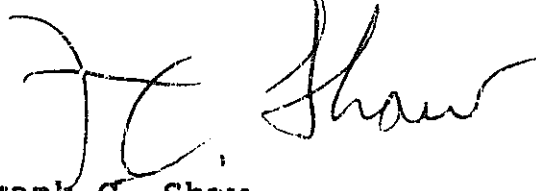
I further understand that the bill was passed with the understanding that amendments would be made to clean up the numerous ambiguities which exist with the law in its present form. I have seen these ambiguities succinctly summarized as follows:-

1. Costs of non-capital projects should be eligible for funding.
2. Frivolous complaints and/or lawsuits by employees and unions should be clearly prohibited.
3. Allowances for alternatives to OSHA requirements should be made.
4. Employees, as well as employers, should share responsibility for insuring safe, healthful conditions.
5. Relief should be provided to those employers who are ordered to comply, yet find that state appropriations for that year have been used up.

6. Provision should be made to fund those projects voluntarily entered into by the employer prior to being cited.

I urge you to urge the Governor to see to it that the above ambiguities and problems are addressed at the earliest possible date.

Very truly yours,

A handwritten signature in cursive script, appearing to read "F. C. Shaw". The signature is written in dark ink and is positioned above the printed name.

Frank C. Shaw

FCS:df

A. 11968-A

ROEMER AND FEATHERSTONHAUGH
COUNSELLORS AT LAW

JAMES W. ROEMER, JR.
JAMES D. FEATHERSTONHAUGH
E. GUY ROEMER
RICHARD L. BURSTEIN
MARJORIE E. KAROWE
PAULINE F. ROGERS
THOMAS A. CONWAY
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WILLIAM F. REYNOLDS
DEAN J. HIGGINS

June 19th, 1980

JUN 20 1980

THE TWIN TOWERS
SUITE 1130
99 WASHINGTON AVENUE
ALBANY, NEW YORK 12210
(518) 436-7863

Hon. Richard A. Brown
Executive Chamber
State Capitol
Albany, New York 12224

RE: A. 11968-A (OSHA)

Dear Judge Brown:

Thank you for requesting our comments on the above numbered legislation, which is the number one priority of The Civil Service Employees Association, Inc., for which we are counsel.

This bill would establish a program for occupational safety and health in the work place for public employees of the State and its political subdivisions.

There is presently no law requiring a safe work place for public employees. Employees in the private sector are protected by the United States Occupational Safety and Health Act of 1970 (P.L. 91-596).

This proposal contains a legislative declaration that it is a basic right of all employees to work in an environment which is as safe as practicable, and that it is the intent of the legislature to insure that such right is also afforded to public employees working in the State of New York (§1). This legislation requires the Industrial Commissioner to, by rule, adopt all of the safety and health standards promulgated pursuant to the Federal Occupational Safety and Health Act which are in effect as of the date of this act. It requires every public employer to furnish a safe work place as required by such standards, and it requires every public employee to comply with the safety and health standards issued by the Industrial Commissioner.

Compliance with such standards would be enforced by the Industrial Commissioner, based upon inspections similar to that contained in the Federal law. An inspection would be triggered either by the written request of an individual employee or employee

representative, or by the Commissioner upon his own initiative. If such inspection results in a determination that a safety or health standard has been violated, an order to remedy that violation is issued, and a copy thereof is posted. Such order may be appealed to the Industrial Board of Appeals in accordance with Section 101 of the Labor Law. Any determination of the Industrial Board of Appeals may be reviewed pursuant to Article 78 of the Civil Practice Law and Rules.

In cases where there is a risk of death or serious physical harm, the Industrial Commissioner may petition the Supreme Court for an injunction. His failure to do so within 48 hours of being notified would allow an individual public employee or his authorized representative to seek such injunctive relief. Any action for such relief would have to be brought only in the County wherein the alleged danger exists.

Any employer may apply to the Industrial Commissioner for a temporary variance or a permanent variance so that any rule or standard would not be applicable to that employer. Such a temporary variance would be ordered if such employer establishes an inability to comply with a standard, that the employer is taking all available steps to safeguard employees against hazards relevant to that standard and that he has an effective program for complying with the standard as quickly as practicable.

A public employer may also apply for a permanent variance, which will be granted upon a showing that the means used by such employer will provide a work place which is as safe and healthful as that which would prevail if he complied with the standard.

The bill also contains provisions similar to those in the Federal law with respect to maintaining records of employee exposure to toxic materials, and preventing discrimination against employees.

This proposal establishes a bi-partisan three member committee, one chosen by the Speaker, one chosen by the Temporary President of the Senate, and one chosen by the Governor, which would issue an interim report to the legislature and Governor within one year after the effective date hereof, and a final report within two years. It also creates a "New York State Occupational Safety and Health Hazard Abatement Board", and appropriates the sum of \$15 million to that Board for the purpose of helping public employers pay for capital expenditures necessary to comply with the Act. The Board consists of the seven individuals appointed by the Governor, including:

1. One upon the recommendation of the Temporary President of the Senate;
2. One upon the recommendation of the Speaker of the Assembly;
3. One upon the recommendation of the State Comptroller.

The Board would have the authority to fund 75% of the costs of any Capital Abatement Project necessary to comply with an order issued by the Industrial Commissioner. The statute sets forth specific criteria to be considered by the Board in making its determinations.

This bill excludes public employers from the criminal penalties provided as against private employers by Labor Law §213.

There is simply no justification for continuing the double standard for safety in the work place. In human terms, this program will ameliorate the threat of loss of life or limb. It will contribute to increased employee productivity, and a decline in injuries which are costly to the taxpayers of this state. For example, an effective OSHA program would have prevented the loss of a finger to one employee of the State, which resulted in an \$8,000 Worker's Compensation Claim, and which could have been averted by the purchase of a \$35.00 guard for a copying machine.

In fact, the adoption of a public employee OSHA program will result in the long-run savings of tax dollars. An extensive cost-benefit analysis, prepared specifically for New York State by L.A. Weaver, the former OSHA Director for the Office of Occupational Safety and Health of the State of North Carolina, Department of Labor, reveals the magnitude of those savings. Mr. Weaver compared, by using reports prepared by the New York State Department of Labor, and the records of the New York State Insurance Fund, the cost of injuries and illnesses resulting from work-related accidents with the costs of operating an OSHA program for employees of the State and its political subdivisions. His conclusion, after examining the years 1974 through 1977 inclusive is that such an OSHA program would have produced, assuming the highest possible costs of compliance, and the lowest justifiable reduction in accident rate, in 1980 dollars, a four year savings of \$27 million to the taxpayers of this State. Assuming a higher reduction in accident rate and a lower "cost of compliance" figure, the net benefit, or taxpayer savings for that period would be nearly \$450 million. That is a savings per year varying between \$6.7 million and \$110 million.

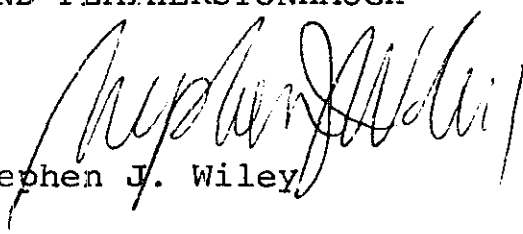
As this bill is written, the costs of OSHA would be

even further lessened. The costs for capital construction are limited by the New York State Occupational Safety and Health Hazard Abatement Board as well as the availability of temporary and permanent variances. Of even greater significance is the fact that abatement costs are generally one-time expenditures, whereas the savings resulting from an OSHA program tend to accumulate.

We respectfully urge the Governor to sign this legislation into law.

Very truly yours,

ROEMER AND FEATHERSTONHAUGH



Stephen J. Wiley

SJW:E

DR PAUL E KIRSCH
248 EXCHANGE ST
GENEVA NY 14456



4-064913S162 06/10/80 ICS IPMMIZZ CSP ALBE
3157810275 MGM IDMT GENEVA NY 128 06-10 0423P EST

A. 11968

HONORABLE HUGH CAREY
GOVERNOR, STATE OF NEW YORK
ALBANY NY 12244

JUN 11 REC'D

BILL A11963, THE STATE OSHA BILL, MANDATES LOCAL SCHOOL DISTRICT EXPENDITURES THAT ARE UNREASONABLE AND UNNECESSARY. THE BILL WILL REQUIRE ADDITIONAL CAPITAL IN NON-CAPITAL EXPENDITURES, ADDITIONAL COSTS FOR LEGAL COUNSEL AND LITIGATION, AND EXCESSIVE NEW PAPERWORK.

WHILE THE GENEVA SCHOOL DISTRICT IS NOT OPPOSED TO HEALTH AND SAFETY REGULATION, THE MANDATES OF THIS ARE SO ONEROUS THAT LEGISLATORS MUST CONSIDER THE IMPACT ON EDUCATIONAL PROGRAMMING, WHICH ALSO IS DESPERATELY EXPENSIVE.

WE OPPOSE THE OSHA BILL, EVEN IF YOUR LEGISLATURE PAYS FOR IT 100 PERCENT. IF THE LEGISLATURE DOES PAY IT, IT HAS AN OBLIGATION TO PAY 100 PERCENT OF THE COST OF THIS OUTRAGEOUS MANDATE.

DR PAUL E KIRSCH CLERK BOARD OF EDUCATION GENEVA CITY SCHOOL DISTRICT

1635 EST

MGMCOMP MGM

INTL ASSOC MACHINISTS F C BENEDE
119 SHERMAN ST
WATERTOWN NY 13601

739

Western Union

Mailgram



4-033154S171 06/19/60 ICS IPMTZZ CSP ALBD
2157823771 MGM TDMT WATERTOWN NY 131 06-19 1242P EST

~~7025~~
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A 11968

HONORABLE HUGH CAREY, GOVERNOR STATE OF NEW
YORK
EXECUTIVE CHAMBERS
STATE CAPITOL
ALBANY NY 12224

DEAR GOVERNOR CAREY,

THE NEW YORK STATE ASSEMBLY AND SENATE RECENTLY PASSED TWO IMPORTANT
BILLS THAT WOULD PROTECT WORKERS SAFETY AND HEALTH BY AN OVERWHELMING
VOTE. THE RIGHT TO KNOW BILL, S.8717-B(DALEY) AND
A.7013-D(PILLIPERE). THIS BILL WOULD GRANT WORKERS THE RIGHT TO
INFORMATION ON TOXIC SUBSTANCES ENCOUNTERED IN THE WORK PLACE. THE
PUBLIC EMPLOYEE OSHA BILL S.7025(FLYNN) AND A.11968-A(RULES BARBARO)
GRANT PUBLIC EMPLOYEES JOB SAFETY PROTECTION.

WE REPRESENT JEFFERSON, LOUIS, ST LAWRENCE, CAYUGA AND ONONDACA
COUNTIES OF THE INTERNATIONAL ASSOCIATION MACHINISTS AND AEROSPACE
WORKERS AT THE DISTRICT LODGE 137 REPRESENTING OVER 4000 MEMBERS. WE
STRONGLY ENCOURAGE YOU TO SIGN THESE TWO PIECES OF LEGISLATION.

THANK YOU FOR YOUR COOPERATION.

FRED C. BENEDETTO, DIRECTING BUSINESS REPRESENTATIVE AFLCIO

1245 EST

MGMCOMP MGM